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

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 490

[Docket No. FHWA–2013–0054]

RIN 2125–AF54

National Performance Management Measures; Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Final regulation; delay of effective date.

SUMMARY: This document announces the indefinite delay of specific portions of the National Performance Management measures; Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program Final Rule (PM#3) (RIN 2125–AF54) and announces the initiation of additional regulatory proceedings for those portions.

DATES: Effective May 19, 2017, the effective date of the amendments to 49 CFR 490.105(c)(5) and (d)(1)(v), 490.107(b)(1)(ii)(H), (b)(2)(ii)(J), (b)(3)(ii)(I), and (c)(4), 490.109(d)(1)(v) and (f)(1)(v), 490.503(a)(2), 490.505 (Definition of *Greenhouse gas (GHG)*), 490.507(b), 490.509(f), (g) and (h), 490.511(a)(2), (c), (d), and (f), and 490.513(d) published on January 18, 2017, at 82 FR 5970 is delayed indefinitely. FHWA will publish a document in the **Federal Register** announcing the new effective date. The remainder of the provisions of the Final Rule published on January 18, 2017, at 82 FR 5970, and not otherwise specified in this document, will take effect on May 20, 2017.

FOR FURTHER INFORMATION CONTACT: Christopher Richardson, Assistant Chief Counsel for Legislation, Regulations, and General Law, Office of Chief Counsel, Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: (202) 366–0761. Office hours are from 8:00 a.m. to 4:30 p.m. e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

A copy of the Notice of Proposed Rulemaking (NPRM), all comments received, the Final Rule, and all background material may be viewed online at *http://www.regulations.gov* using the docket numbers listed above. A copy of this document will be placed on the docket. Electronic retrieval help and guidelines are available on the Web site. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's Web site at *http://www.ofr.gov* and the Government Publishing Office's Web site at *http://www.gpo.gov.*

Background

On January 20, 2017, the Assistant to the President and Chief of Staff issued a memorandum entitled, ''Regulatory Freeze Pending Review.'' This memorandum directed heads of executive departments and agencies to take certain steps to ensure that the President's appointees and designees have the opportunity to review new and pending regulations. It instructed agencies to temporarily postpone the effective dates of regulations that had been published in the **Federal Register** but were not yet effective until 60 days after the date of the memorandum (January 20, 2017). In accordance with that directive, FHWA announced on February 13, 2017, at 82 FR 10441 that it would delay the effective date of the PM#3 Final Rule to March 21, 2017. On March 21, 2017, at 82 FR 14438, FHWA further delayed the effective date to May 20, 2017.

This document confirms that the majority of the PM#3 Final Rule will become effective on May 20, 2017. After further consideration, FHWA has also determined that the portions of the PM#3 Final Rule pertaining to the measure on the percent change in CO_2 emissions from the reference year 2017, generated by on-road mobile sources on the National Highway System (the GHG measure) would benefit from further notice and comment procedures under the Administrative Procedure Act (APA). As such, this document delays the effective date for these provisions and announces that FHWA will be publishing an NPRM in the **Federal Register** in the coming weeks pertaining to the GHG measure. The effective date is delayed until such rulemaking on the GHG measure is completed.

Specifically, FHWA is delaying the effective date indefinitely for the following sections of the Final Rule:

1. 23 CFR 490.105(c)(5)
2. 23 CFR 490.105(d)(1)(v)
3. 23 CFR 490.107(b)(1)(ii)(H)
4. 23 CFR 490.107(b)(2)(ii)(J)
5. 23 CFR 490.107(b)(3)(ii)(I)
6. 23 CFR 490.107(c)(4)
7. 23 CFR 490.109(d)(1)(v)
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9. 23 CFR 490.503(a)(2)
10. 23 CFR 490.505 (Definition of *Greenhouse gas (GHG)*)
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14. 23 CFR 490.509(h)
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16. 23 CFR 490.511(c)
17. 23 CFR 490.511(d)
18. 23 CFR 490.511(f)
19. 23 CFR 490.513(d).

Waiver of Rulemaking and Delayed Effective Date

Under section 5 U.S.C. 553(b) of the APA, FHWA generally offers interested parties the opportunity to comment on proposed regulations. Under section 553(d) of the APA, FHWA ordinarily publishes rules not less than 30 days before their effective dates. However, the APA provides that an agency is not required to conduct notice-and-comment rulemaking or provide a delay in effective date for the provisions of a rule when the agency, for good cause, finds that the requirement is impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(B) and (d)(3)).

Good cause exists to suspend the effective date of the GHG measure without notice and comment. Given the imminence of the effective date of the PM#3 Final Rule, seeking prior public

comment on this delay of the GHG measure would be impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The President's appointees and designees need to further delay the effective date of the sections of the PM#3 Final Rule pertaining to the GHG measure to have adequate time to review them, and neither the notice and comment process nor a 30 day delay in effective date could be implemented in time to allow for this review. Additionally, the public will have the opportunity to provide additional comments on the GHG measure in the near future.

List of Subjects in 23 CFR Part 490

Bridges, Highway safety, Highways and roads, Incorporation by reference, Reporting and recordkeeping requirements.

Issued on: May 15, 2017.

Walter C. Waidelich, Jr.,

Acting Deputy Administrator, Federal Highway Administration.

[FR Doc. 2017–10092 Filed 5–18–17; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0131]

RIN 1625–AA08

Safety Zone; Space Coast Super Boat Grand Prix; Atlantic Ocean, Cocoa Beach, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of the Atlantic Ocean offshore from Cocoa Beach, FL during the Space Coast Super Boat Grand Prix, a series of high-speed boat races. The safety zone is necessary to ensure the safety of participant vessels, spectators, and the general public during the event. This regulation prohibits persons and non-participant vessels from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port (COTP) Jacksonville or a designated representative.

DATES: This rule is effective from 10 a.m. until 5 p.m. on May 21, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0131 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Lieutenant Allan Storm, Sector Jacksonville, Waterways Management Division, U.S. Coast Guard; telephone (904) 714–7616, email *Allan.H.Storm@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

COTP Captain of the Port
CFR Code of Federal Regulations
DHS Department of Homeland Security
E.O. Executive order
FR Federal Register
NPRM Notice of proposed rulemaking
Pub. L. Public Law
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because insufficient time remains to publish an NPRM and to receive public comments, as the Space Coast Super Boat Grand Prix event will occur before the rulemaking process would be completed. Because of the dangers associated with high speed boat races, the safety zone is necessary to provide for the safety of event participants, spectators, and vessels transiting the event area. For those reasons, it would be impracticable and contrary to the public interest to publish an NPRM.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register**.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under the authority in 33 U.S.C. 1231. The purpose of the rule is to ensure the safety of the event participants, the general public, vessels and the navigable waters of the Atlantic Ocean in the vicinity of Cocoa Beach, Florida during the Space Coast Super Boat Grand Prix race event.

IV. Discussion of the Rule

This rule establishes a safety zone on certain navigable waters of the Atlantic Ocean in the vicinity of Cocoa Beach, Florida during the Space Coast Super Boat Grand Prix race event. The safety zone will cover an offshore area approximately two and a half nautical miles long by one-half nautical mile wide. The races are scheduled to take place from 10 a.m. to 5 p.m. on May 21, 2017. Approximately 30 high-speed race boats are anticipated to participate in the races. No person or non-participant vessel will be permitted to enter, transit through, anchor in, or remain within the safety zone without obtaining permission from the Captain of the Port Jacksonville or a designated representative. If authorization to enter, transit through, anchor in, or remain within the safety zone is granted by the Captain of the Port Jacksonville or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Jacksonville or a designated representative. The Coast Guard will provide notice of the safety zone by Local Notice to Mariners, Broadcast Notice to Mariners, and/or by on-scene designated representatives.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

E.O.s 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 13771 (''Reducing Regulation and Controlling Regulatory Costs''), directs agencies to reduce regulation and control regulatory costs and provides that ''for every one new regulation issued, at least two prior regulations be

identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.''

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it. As this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. *See* OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled ''Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

The economic impact of this rule is not significant for the following reasons: (1) The safety zone will be enforced for only 7 hours; (2) although persons and vessels may not enter, transit through, anchor in, or remain within the safety zone without authorization from the Captain of the Port Jacksonville or a designated representative, they may operate in the surrounding area during the enforcement period; (3) persons and vessels will still be able to enter, transit through, anchor in, or remain within the regulated area if authorized by the Captain of the Port Jacksonville or a designated representative; and (4) the Coast Guard will provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners, Broadcast Notice to Mariners, and/or by on-scene designated representatives.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone that will prohibit persons and vessels from entering, transiting through, anchoring in, or remaining within a limited area on the waters of the Atlantic Ocean in the vicinity of Cocoa Beach, Florida during a one-day racing event lasting seven hours. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration (REC) supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; and Department of Homeland Security Delegation No. 0170.

■ 2. Add a temporary § 165.T07–0131 to read as follows:

§ 165.T07–0131 Safety Zone; Space Coast Super Boat Grand Prix; Atlantic Ocean, Cocoa Beach, FL.

(a) *Location.* The following regulated area is a safety zone located offshore from Cocoa Beach, FL: All waters of the Atlantic Ocean encompassed within the following points: Starting at Point 1 in position 28°22′16″ N., 080°36′04″ W.; thence east to Point 2 in position 28°2′15″ N., 080°35′38″ W.; thence south to Point 3 in position 28°19′46″ N., 080°35′38″ W.; thence west to Point 4 in position 28°19′47″ N., 080°36′22″ W.; thence north back to origin. These coordinates are based on North American Datum 1983.

(b) *Definition.* As used in this section, the term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port (COTP) Jacksonville in the enforcement of the regulated areas.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the COTP Jacksonville or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the COTP Jacksonville by telephone at 904–714–7557, or a designated representative via VHF–FM radio on channel 16 to request authorization. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP Jacksonville or designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners via VHF–FM channel 16, and/or by on-scene designated representatives.

(d) *Enforcement Period.* This rule will be enforced from 10 a.m. until 5 p.m. on May 21, 2017.

Dated: May 8, 2017.

T.C. Wiemers,

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

[FR Doc. 2017–10148 Filed 5–18–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG 2017–0294]

RIN 1625–AA00

Safety Zone; Sabine River, Orange, Texas

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain navigable waters of the Sabine River adjacent to the public boat ramp located in Orange, TX. This safety zone is necessary to protect persons and vessels from hazards associated with a high speed boat race competition. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, Port Arthur.

DATES: This rule is effective from 8:30 a.m. on May 20, 2017 through 6 p.m. on May 21, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0294 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Scott Whalen, Marine Safety Unit Port Arthur, U.S. Coast Guard; telephone 409–719–5086, email *Scott.K.Whalen@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. The Coast Guard received notice on March 22, 2017 that this boat racing event is scheduled to take place from May 20 to 21, 2017. Upon full review of the event details, the Coast Guard determined that additional safety measures were necessary due to potential navigational hazards present during the high speed boat race. The safety zone needs to be established by May 20, 2017. As such, it is impracticable to publish an NPRM because we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to public interest because regulatory action is necessary to limit access to the area of the high speed boat races, protecting participants, spectators, and other persons and vessels from the potential hazards during a high speed boat race on a navigable waterway. The Coast Guard will notify the public and maritime community that the safety zone will be in effect and of its enforcement periods via broadcast notices to mariners (BNM) and the event will be advertised in the Local Notice to Mariners (LNM).

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port, Port Arthur (COTP) has determined that the potential hazards associated with high speed boat races are a safety concern for vessels operating on the Sabine River. This rule is needed to protect participants, spectators, and other persons and vessels in the navigable waters within the safety zone during the scheduled races.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 8:30 a.m. on May 20, 2017 through 6 p.m. on May 21, 2017. The safety zone covers all navigable waters of the Sabine River, shoreline to shoreline, adjacent to the public boat ramp located in Orange, TX. The northern boundary is from the end of Navy Pier One at 30°05′50″ N., 93°43′15″ W. then easterly to the rivers eastern shore. The southern boundary is a line shoreline to shoreline at latitude

30°05′33″ N. (NAD83). The duration of the safety zone is intended to protect participants, spectators, and other persons and vessels, in the navigable waters of the Sabine River during the high speed boat races. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size, location, and duration of the safety zone. This safety zone is over a 2-day period and enforcement during the effective times, enforcement periods will include scheduled breaks, providing opportunity for vessels to transit through the affected area. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone and the rule allows vessel to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone during a 2-day period that will prohibit entry within the zone without permission of the Captain of the Port. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Record of Environmental Consideration are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add temporary § 165.T08–0294 to read as follows:

§ 165.T08–0294 Safety Zone; Sabine River, Orange, Texas.

Location. The following area is a safety zone: Certain navigable waters of the Sabine River adjacent to the Orange public boat ramps located in Orange, TX. The northern boundary is from the end of old Navy Pier One at 30°05′50″ N., 93°43′15″ W., then easterly to the rivers eastern shore. The southern boundary is a line shoreline to shoreline at latitude 30°05′33″ N. (NAD83).

(a) *Effective period.* This rule is effective from 8:30 a.m. on May 20, 2017 through 6 p.m. on May 21, 2017. Enforcement during the effective period will allow for scheduled breaks allowing vessels to pass through the safety zone. Notice of scheduled breaks will be provided as indicated under paragraph (c) of this section.

(b) *Regulations.* (1) Under the general safety zone regulations in § 165.23 of this part, entry into this zone is prohibited to all persons and vessels except those vessels specifically authorized by the Captain of the Port, Port Arthur (COTP) or a designated representative.

(2) Persons or vessels requiring entry into or passage through must request permission from the COTP or a designated representative. They may be contacted on VHF–FM channel 13 or 16, or by phone at 409–719–5070.

(3) All persons and vessels shall comply with the lawful orders or directions given to them by the COTP or COTP's designated representative.

(c) *Information broadcasts.* The Coast Guard will inform the public through broadcast notices to mariners of channel restrictions and Vessel Traffic Service advisories on VHF–FM channel 65A.

Dated: May 16, 2017

R.S. Ogrydziak

Captain, U.S. Coast Guard, Captain of the Port, Port Arthur, Texas.

[FR Doc. 2017–10213 Filed 5–18–17; 8:45 am]

BILLING CODE 9110–04–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. 2013–5]

Authentication of Electronic Signatures on Electronically Filed Statements of Account

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: The United States Copyright Office is amending its regulation prescribing requirements related to the submission of Statements of Account under the section 111 license for secondary transmissions of broadcast programming by cable systems. The amendments will allow cable systems operating under the statutory license to electronically sign Statements of Account, and to submit them to the Office electronically.

DATES: Effective June 19, 2017.

FOR FURTHER INFORMATION CONTACT: Sarang V. Damle, General Counsel and Associate Register of Copyrights, by email at *sdam@loc.gov,* or Regan A. Smith, Deputy General Counsel, by email at *resm@loc.gov.* Each can be contacted by telephone by calling (202) 707–8350.

SUPPLEMENTARY INFORMATION:

I. Background

Section 111 of the Copyright Act, title 17 of the United States Code, provides cable operators with a statutory license to retransmit a performance or display of a work embodied in a primary transmission made by a television station licensed by the Federal Communications Commission (''FCC''). As section 111 directs, the Copyright Office has issued a regulation prescribing deposit requirements for cable operators to make use of this license. 37 CFR 201.17; *see* 17 U.S.C. 111(d). Cable system statutory licensees are required to file Statements of Account (''SOAs'') and pay royalty and filing fees to the Copyright Office, which are received by its Licensing Division. SOAs contain information on a cable operator's channel line-ups and gross receipts for the sale of cable service to the public. Cable systems are directed to file either a short- or long-form SOA (called the ''SA1/2'' and ''SA3'' forms, respectively), depending upon whether the system has reported semiannual gross receipts of more or less than $527,600. 37 CFR 201.17(d). Payments made under the cable statutory license are remitted semi-annually to the Office, which invests the royalties in United States Treasury securities pending distribution of the funds to those copyright owners who are entitled to receive a share of the fees.

Currently, the process for submission of SOAs is paper-based, and each cable system filer (or ''remitter'') is required to include ''the handwritten signature'' of a person of authority (*e.g.,* a corporate officer if the system is owned by a corporation) accompanying a ''declaration of the veracity of the statements of fact contained in the [SOA] and the good faith of the person signing in making such statement of fact.'' 37 CFR 201.17(e)(14). On June 26, 2013, the Copyright Office issued a notice of proposed rulemaking (''NPRM'') proposing amendments to its regulations to allow remitters to use electronic signatures and file Statements of Account electronically. 78 FR 38240 (June 26, 2013). At that time, as part of a broader reengineering of the workflow of the Licensing Division, the Office was in the process of configuring and deploying a software package to serve as an electronic filing system. 78 FR at 38241. The NPRM presumed that electronic signatures and submission of SOAs, and, eventually, royalty payments, would occur through deployment of this new system. The Office received two comments in response to the NPRM: One from National Cable & Telecommunications Association (''NCTA''), which is addressed below, and another from Hooks Management Group, LLC, which expressed overall support for electronic filing.

Since the issuance of the NPRM, the Office discovered a number of issues with the development of the new system, which caused reassessment of the project in its original form.[1] Accordingly, the Office shifted efforts to identify a more cost-effective and efficient solution, and requested that the Library of Congress terminate the contract.

At that same time, the Office made plans to develop an alternate, spreadsheet-based form to allow the electronic submission of SOAs. In addition to the PDF forms already available on the Office's Web site, the

[1] For example, the vendor hired to develop this software indicated that it would be unable to fulfill the deliverables under the current development contract and that basic operation and maintenance would rise in 2017 to a costly annual overhead expense. Further, the Office learned that after June 2018, the vendor would no longer be supporting the software version that had been licensed, and that a significant additional expenditure of funds would be necessary to move the project to a new software version.

Office will now post fillable electronic short- and long-form SOAs (''SA1/2E'' and ''SA3E'' forms) on its Web site at *https://www.copyright.gov/licensing/* and *https://www.copyright.gov/forms/*. These forms employ a format similar to a preparatory tool already used by many stakeholders to file SOAs with the Office, while making the forms and option of electronic submission available to all remitters. Informal feedback from stakeholders regarding the Office's decision to terminate the original project and implement a more cost-effective solution has been positive.

II. Discussion

The Office now amends its regulations to permit the electronic signature and submission of SOAs. These regulatory amendments are expected to allow the Office to immediately receive SOAs submitted by remitters via email. Permitting electronic submission and signatures will provide a more efficient and convenient method for remitters over the current paper-based system. In addition, electronic submission of documents will provide the data included in SOAs in a more useable format to the Office and to copyright owners interested in viewing and extracting this information.

The comments focused principally on the electronic authentication and signature requirement of the proposed rule. As discussed below, the Office has simplified its approach to electronic signature and submission of SOAs from that set forth in the NPRM. This new approach has allowed the Office to streamline the regulatory language of the proposed rule.

Signatures. The NPRM had presumed it was necessary to establish ''a robust identity authentication system for the preparation and electronic filing of SOAs.'' 78 FR at 38241. In part, this was because the electronic system as originally conceived would eventually be expanded to handle royalty payments. Under this assumption, the NPRM tentatively concluded that it was necessary to implement a Level 3-qualifying method of identity assurance used for electronic transactions filed with the federal government under the Office of Management and Budget (''OMB'')'s manual, *E-Authentication Guidance for Federal Agencies, [OMB 04–04]. Id.* at 38242. Among other things, this authentication would establish ''the identity of the individual(s) preparing the form'' and ''the individual(s) charged with the responsibility of certifying and signing the SOA during a secure online session.'' *Id.*

In its comment, NCTA urged the Office ''to modify its rules to expressly permit the use of facsimile or 's-signatures' on paper statements of account.'' NCTA Comments at 1. NCTA suggested that allowing cable operators to use ''s-signatures'' (*e.g.,*/s/John Smith) would provide greater flexibility in preparing submissions, without posing a risk to copyright owners. NCTA also suggested that the ''robust identity authentication system,'' with ''complex'' accompanying rules envisioned by the NPRM was overly complex, and pointed out that the FCC has not adopted an authentication or verification process when accepting routine filings by NCTA members. NCTA Comments at 4–5.

In light of NCTA's comment, and the decision to move to a different solution for electronic completion and submission of SOAs, the Office has reassessed its requirements with respect to electronic submission and use of electronic signatures. Under the reconceived procedure, electronic SOAs would come in on their own, and royalty payments would continue to separately be sent to the Office using an electronic funds transfer. This diminishes the need for a robust authentication system. Indeed, the OMB's guidance for authentication and verification is not intended to apply to electronically signed documents.[2] The Office also recently assessed the requirements for electronic signatures in a recently published notice of proposed rulemaking concerning the modernization of copyright recordation (''Recordation NPRM''), which tentatively concluded that documents bearing electronic signatures should be recordable under section 205. As the Recordation NPRM also noted, the Electronic Signatures in Global and National Commerce Act (''E-Sign Act''), enacted in 2000, provides that ''with respect to any transaction in or affecting interstate or foreign commerce . . . a signature, contract, or other record relating to such transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form.'' 15 U.S.C. 7001(a)(1). The E-Sign Act defines ''electronic signature'' broadly as ''an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.'' *Id.* at 7006(5). Although the E-Sign Act does not restrict the Office's authority to issue regulations related to section 111, the Office views the E-Sign Act as persuasive guidance.

The Government Paperwork Elimination Act is also persuasive, in that it directs executive agencies to provide ''for the option of electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper'' and ''for the use and acceptance of electronic signatures, when practicable.'' *See* Public Law 105–277, tit. xvii, sec. 1704, 112 Stat. 2681, 2681–750 (1998). And, as NCTA pointed out, other agencies, including the FCC and the United States Patent and Trademark Office, already consider electronic or s-signatures to be valid original signatures on virtually all documents. NCTA Comments at 3.

Based on this reassessment, the final rule amends the signature requirements in section 201.17(e)(14) to expressly permit the submission of any legally valid signature, including electronic signatures, and does not include some of the more complex definitions and requirements proposed by the NPRM as a new section 201.17(e)(15). In addition, the Office is removing the current handwritten signature requirement, and will now allow the use of electronic or s-signatures on all forms—*e.g,* the paper SA1/2 and SA3 forms, and their electronic counterparts designated as SA1/2E, and SA3E—although the Office will continue to accept handwritten signatures on the paper-based SA1/2 and SA3 forms.

Accounting Periods and Deposits. To account for electronic submission, and as set out in the proposed rule, the Office is removing the term ''physically'' from Section 201.17(c)(2), which presently includes a reference to SOAs being ''physically received.''

Forms; Electronic Submission. The Office is amending section 201.17(d) to account for its provision of the electronic forms, as described above. In addition, the amendment makes explicit that SOAs should be submitted to the Licensing Division in accordance with instructions provided on the form itself or otherwise made available on the Office's Web site at *https://www.copyright.gov/licensing/*. In practice, as it has done with other electronically submitted forms, such as notices submitted under section 115, the Office plans to require the electronic forms (*e.g.,* the SA1/2E and SA3E forms) to be submitted electronically, and to allow paper-based forms (*e.g.,* the SA1/2 and SA3 forms) to be submitted either via physical mail or electronically.[3]

[2] *E-Authentication Guidance for Federal Agencies,* [OMB 04–04], § 1.2 (Dec. 16, 2003).

[3] *See* Requirements and Instructions for Electronically Submitting a Section 115 Notice of

Continued

Copies of Statements of Account. In light of the changes to section 201.17(d), which clarify that instructions for submitting forms will be provided by the Office on its Web site or the form itself, the Office is removing section 201.17(l), which currently proscribes the number of physical copies that must be filed by licensees.

Corrections, Supplemental Payments, and Refunds. As raised in the NPRM, and following the same rationale allowing for the electronic signature and submission of SOAs, the Office is updating its rule to allow for electronic signatures and submission in connection with corrections, supplemental payments, and refunds. In addition, as proposed in the NPRM, the Office is now codifying its practice of accepting a signed and certified amended SOA in lieu of a sworn affidavit or statement under 28 U.S.C. 1746 currently required by the regulation. In practice, the Office receives few sworn affidavits or statements that are not part of an amended SOA, and so to facilitate efficiency and clarity, the final rule removes references to separate affidavits or statements and simply requires remitters to submit an amended SOA.

Batch Submissions. The proposed rule also included language permitting the submission of multiple SOAs by the same cable operator in one group or ''batch'' filing. NCTA's comment raised a concern that this change would be ''unnecessarily burdensome'' by imposing overly rigid requirements for the review, signature, and submission of SOAs upon remitters. NCTA Comments at 4. In light of the Office's redirected efforts described above and NCTA's comment, the final rule does not include this originally-proposed amendment.

List of Subjects in 37 CFR Part 201

Copyright.

Regulations

For the reasons set forth in the preamble, the Copyright Office amends 37 CFR part 201 as follows:

PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

■ 2. Amend § 201.17 by:

■ a. Revising the first sentence of paragraph (c)(2);

■ b. Revising paragraph (d);

■ c. Revising paragraphs (e)(14) introductory text and (e)(14)(iii)(A);

■ d. Removing paragraph (l);

■ e. Redesignating paragraphs (m) and (n) as paragraphs (l) and (m), respectively; and

■ f. Revising newly redesignated paragraph (l)(4)(iii)(B).

The revisions read as follows:

§ 201.17 Statements of account covering compulsory licenses for secondary transmissions by cable systems.

* * * * *

(c) * * *

(2) Upon receiving a Statement of Account and royalty fee, the Copyright Office will make an official record of the actual date when such Statement and fee were received in the Copyright Office. * * *

* * * * *

(d) *Statement of Account forms and submission.* Cable systems should submit each Statement of Account using an appropriate form provided by the Copyright Office on its Web site and following the instructions for completion and submission provided on the Office's Web site or the form itself.

(e) * * *

(14) A legally binding signature, including an electronic signature as defined in 15 U.S.C. 7006, of:

(iii) * * *

(A) The printed name of the person signing the Statement of Account;

* * * * *

(l) * * *

(4) * * *

(iii) * * *

(B) In the case of a request filed under paragraph (m)(2)(ii) of this section, where the royalty fee was miscalculated and the amount deposited in the Copyright Office was either too high or too low, the request must be accompanied by an amended Statement of Account. The amended Statement shall include an explanation of why the royalty fee was improperly calculated and a detailed analysis of the proper royalty calculations.

* * * * *

Dated: May 12, 2017.

Karyn Temple Claggett,

Acting Register of Copyrights and Director of the U.S. Copyright Office.

Approved by:

Carla D. Hayden,

Librarian of Congress.

[FR Doc. 2017–10219 Filed 5–18–17; 8:45 am]

BILLING CODE 1410–30–P

Intention to the Copyright Office, *https://www.copyright.gov/licensing/115/noi-instructions.html* (''The NOI must be emailed as an Excel file, and must not be converted to PDF or any other file format.'').

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. 2017–4]

Disruption of Copyright Office Electronic Systems

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: The U.S. Copyright Office is amending its regulations governing delays in the receipt of material caused by the disruption of postal or other transportation or communication services. The amendments, for the first time, specifically address the effect of a disruption or suspension of any Copyright Office electronic system on the Office's receipt of applications, fees, deposits, or other materials, and the assignment of a constructive date of receipt to such materials. The amendments also make various revisions to the existing portions of the rule for usability and readability. In addition, the amendments specify how the Office will assign effective dates of receipt when, in the absence of a declaration of a general disruption, the Office does not receive, loses, or misplaces materials that were physically delivered or attempted to be physically delivered to the Office.

DATES: Effective June 19, 2017.

FOR FURTHER INFORMATION CONTACT: Anna Chauvet, Assistant General Counsel, by email at *achau@loc.gov,* or by telephone at 202–707–8350.

SUPPLEMENTARY INFORMATION: Section 709 of the Copyright Act (title 17, United States Code) addresses the situation where the ''general disruption or suspension of postal or other transportation or communications services'' prevents the timely receipt by the U.S. Copyright Office (''Office'') of ''a deposit, application, fee, or any other material.'' In such situations, and ''on the basis of such evidence as the Register may by regulation require,'' the Register of Copyrights may deem the receipt of such material to be timely, so long as it is actually received ''within one month after the date on which the Register determines that the disruption or suspension of such services has terminated.'' 17 U.S.C. 709. In addition, section 702 of the Copyright Act authorizes the Register to ''establish regulations not inconsistent with law for the administration of the functions and duties made the responsibility of the Register under this title.'' 17 U.S.C. 702.

The Office's regulations implementing section 709 can be found in 37 CFR 201.8. When the Office first promulgated these regulations, many of the Office's current electronic systems did not exist, and the regulations were not amended to specifically address outages of such systems. In 2015, the Office's online system used to register copyright claims was disrupted for over a week due to an equipment failure, highlighting the need for the Office to update its regulations to address the effect of a disruption or suspension of any Copyright Office electronic system on the Office's receipt of applications, fees, deposits, or any other materials.

On March 2, 2017, the Office published a Notice of Proposed Rulemaking (''NPRM'') setting forth proposed regulatory amendments designed to close this gap in the Office's regulations. 82 FR 12326. The proposed amendments addressed the effect of a disruption or suspension of any Copyright Office electronic system on the Office's receipt of applications, fees, deposits, or other materials, and the assignment of a constructive date of receipt to such materials. 82 FR 12326. The Office received six comments in response to the NPRM. None of the commenters opposed or proposed amendments to the proposed rule.

As explained in the NPRM, assigning a date of receipt based on the date materials would have been received but for the disruption of a Copyright Office electronic system is important in a number of contexts. For example, thousands of copyright claims are filed each year using the Office's electronic filing system, and the effective date of registration of a copyright is the date the application, fees, and deposit are received by the Office. 17 U.S.C. 410(d). That date can affect the copyright owner's rights and remedies, such as eligibility for statutory damages and attorney's fees. See 17 U.S.C. 412 (statutory damages and attorney's fees available only for works with effective date of registration prior to commencement of infringement or, for published works, within three months of first publication of the work). In addition, certain filings may be submitted to the Office only in electronic form. See 37 CFR 201.38 (online service providers must designate an agent to receive notifications of claimed copyright infringement through the Copyright Office's Web site).

The Office's amendments accordingly make several updates to 37 CFR 201.8 to account for electronic outages. Among other things, the amendments allow the Register to assign, as the date of receipt, the date on which she determines the material would have been received but for the disruption or suspension of the electronic system. Ordinarily, when a person submits materials through an Office electronic system, those materials are received in the Office on the date the submission was made. In cases where a person attempts to submit materials, but is unable to do so because of a disruption or suspension of a Copyright Office electronic system, the amendments will allow the Register to use the date that the attempt was made as the date of receipt. In cases where it is unclear when the attempt was made, the amendments provide the Register with discretion to determine the effective date of receipt on a case-by-case basis.

In addition, the amendments make several other changes to update the rule to account for more recent practices, and improve the usability and readability of the regulation. For instance, the amendments comprehensively update paragraph (c) of § 201.8, which specifies the deadline for requesting an adjustment of the date of receipt in cases where a person attempted to submit material to the Office but was unable to do so due to the declared suspension or disruption of postal or other transportation or communications services. Under the previous rule, an applicant could only submit such a request *after* the issuance of a certificate of registration or recordation. That is because, in the past, most materials were submitted to the Office on paper. Permitting the submission of requests prior to the issuance of the certificate would have imposed unacceptable burdens on the Office, primarily due to difficulties in locating the pending paper applications or submissions to which the requests pertained. Now that the Office has implemented electronic systems, it is easier to make date adjustments, such as correcting the effective date of registration or date of recordation, while the application or submission is still pending. Accordingly, the Office's amendments allow persons seeking to adjust the date of receipt of any material that could not be submitted electronically due to a disruption or suspension of a Copyright Office electronic system, to submit a request on the date the Register publishes the announcement declaring that the disruption or suspension has terminated under § 201.8(a), up to one year after the date on which the disruption or suspension has terminated under § 201.8(a).

Finally, the amendments add § 201.8(b)(2) and (c)(2), which address a related issue. On occasion, a person may deliver or attempt to deliver material to the Office, but the Office may have no record of having received such material or may have lost or misplaced that material after it was received. Although such situations are rare, they do occur occasionally as mail delivered to the Office must go through extensive security screening.[1] If the person provides satisfactory evidence that he or she physically delivered or attempted to physically deliver that material to the Office, the amendment allows the Register to assign, as the date of receipt, the date on which the material would have been received. Such a request must be made no later than one year after the person physically delivered or attempted to physically deliver the application, fee, deposit, or other material to the Office.

As a technical matter, these provisions do not implement section 709, which pertains to a general disruption of postal or other services; rather, the Office is implementing these provisions as an exercise of its general regulatory authority under section 702 of the Copyright Act.

List of Subjects in 37 CFR Part 201

Copyright.

Final Regulations

For the reasons set forth in the preamble, the Copyright Office amends 37 CFR part 201 as follows:

PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

■ 2. Section 201.8 is amended by revising paragraphs (a) through (f) introductory text, (f)(4), by adding paragraph (f)(5), and by removing paragraph (g). The revisions and addition read as follows:

§ 201.8 Disruption of postal or other transportation or communication services.

(a) *Declaration of disruption.* For purposes of 17 U.S.C. 709, when the Register has determined that there is or has been a general disruption or suspension of postal or other transportation or communications services, including a disruption or

[1] As the NPRM thus made clear, sections 201.8(b)(2) and (c)(2) are meant to address situations where the Office does not receive, loses, or misplaces materials that were *physically* delivered or attempted to be *physically* delivered to the Office. The rule is not intended to address short-term or routine outages of electronic systems that may occur in the absence of a declaration of a general disruption under section 201.8(a). The language of the final rule clarifies this point for the avoidance of any doubt.

suspension of a Copyright Office electronic system, that has delayed the receipt by the Copyright Office of applications, fees, deposits, or any other materials, the Register shall publish an announcement of that determination, stating the date on which the disruption or suspension commenced. The announcement may, if appropriate, limit the means of delivery that are subject to relief pursuant to section 709. Following the cessation of the disruption or suspension of services, the Register shall publish an announcement stating the date on which the disruption or suspension has terminated, and may provide specific instructions on how to make a request under paragraph (b)(1) of this section.

(b) *Request for earlier filing date due to disruption*—(1) *When the Register has declared a disruption.* When the Register has made a declaration of disruption under paragraph (a) of this section, any person who, in compliance with any instructions provided by the Register, provides satisfactory evidence as described in paragraph (e) of this section that he or she attempted to deliver an application, fee, deposit, or other material to the Copyright Office, but that receipt by the Copyright Office was delayed due to a general disruption or suspension of postal or other transportation or communications services announced under paragraph (a), shall be assigned, as the date of receipt of the application, fee, deposit, or other material, the date on which the Register determines the material would have been received but for the disruption or suspension of services, so long as the application, fee, deposit, or other material was actually received in the Copyright Office within one month after the date the Register identifies pursuant to paragraph (a) of this section that disruption or suspension of services has terminated. Such requests should be mailed to the address specified in § 201.1(c)(1), or through any other delivery method the Register specifies in a published announcement under paragraph (a) of this section.

(2) *With respect to disruption affecting specific submission.* In the absence of a declaration of disruption under paragraph (a) of this section, any person who provides satisfactory evidence as described in paragraph (e) of this section that he or she physically delivered or attempted to physically deliver an application, fee, deposit, or other material to the Copyright Office, but that the Office did not receive that material or that it was lost or misplaced by the Office after its delivery to the Office, shall be assigned, as the date of receipt, the date that the Register determines that the material was received or would have been received. Such requests may be mailed to the address specified in § 201.1(c)(1), or through any other delivery method specified by the Copyright Office.

(c) *Timing.* (1) A request under paragraph (b)(1) of this section shall be made no earlier than the date on which the Register publishes the announcement under paragraph (a) of this section declaring that the disruption or suspension has terminated, and no later than one year after the publication of that announcement.

(2) A request under paragraph (b)(2) of this section shall be made no later than one year after the person physically delivered or attempted to physically deliver the application, fee, deposit, or other material to the Copyright Office.

(d) *Return of certificate.* In cases where a certificate of registration or a certificate of recordation has already been issued, the original certificate must be returned to the Copyright Office along with the request under paragraph (b) of this section.

(e) *Satisfactory evidence.* In all cases the Register shall have discretion in determining whether materials submitted with a request under paragraph (b) of this section constitute satisfactory evidence. For purposes of paragraph (b) of this section, satisfactory evidence may include:

(1) A receipt from the United States Postal Service indicating the date on which the United States Postal Service received material for delivery to the Copyright Office by means of first class mail, Priority Mail, or Express Mail;

(2) A receipt from a delivery service such as, or comparable to, United Parcel Service, Federal Express, or Airborne Express, indicating the date on which the delivery service received material for delivery to the Copyright Office; and

(i) The date on which delivery was to be made to the Copyright Office, or

(ii) The period of time (*e.g.,* overnight, or two days) from receipt by the delivery service to the date on which delivery was to be made to the Copyright Office;

(3) A statement under penalty of perjury, pursuant to 28 U.S.C. 1746, from a person with actual knowledge of the facts relating to the attempt to deliver the material to the Copyright Office, setting forth with particularity facts which satisfy the Register that in the absence of the general disruption or suspension of postal or other transportation or communications services, including a disruption or suspension of a Copyright Office electronic system, or but for the misdelivery, misplacement, or loss of materials sent to the Copyright Office, the material would have been received by the Copyright Office by a particular date; or

(4) Other documentary evidence which the Register deems equivalent to the evidence set forth in paragraphs (e)(1) and (2) of this section.

(f) *Presumption of receipt.* For purposes of paragraph (b) of this section, the Register shall presume that but for the general disruption or suspension of postal or other transportation or communications services, including a disruption or suspension of a Copyright Office electronic system, or but for the misdelivery, misplacement, or loss of materials sent to the Copyright Office:

* * * * *

(4) Materials deposited with a delivery service such as, or comparable to, United Parcel Service, Federal Express, or Airborne Express, would have been received in the Copyright Office on the date indicated on the receipt from the delivery service;

(5) Materials submitted or attempted to be submitted through a Copyright Office electronic system would have been received in the Copyright Office on the date the attempt was made. If it is unclear when an attempt was made, the Register will determine the effective date of receipt on a case-by-case basis.

Dated: May 11, 2017.

Karyn Temple Claggett,

Acting Register of Copyrights and Director of the U.S. Copyright Office.

Approved by:

Carla D. Hayden,

Librarian of Congress.

[FR Doc. 2017–10218 Filed 5–18–17; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–HQ–OAR–2012–0918; FRL–9962–89–OAR]

RIN 2060–AT44

Air Quality Designations for the 2012 Primary Annual Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS) for Areas in Tennessee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is establishing air quality designations in the United States (U.S.)

for the 2012 primary annual fine particle ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS) for the remaining undesignated areas in the state of Tennessee. When the EPA designated the majority of areas in the country in December 2014, and March 2015, the EPA deferred initial area designations for several locations, including all of the state of Tennessee except three counties in the Chattanooga area, because the EPA could not determine using available data whether the areas were meeting or not meeting the NAAQS. However, we believed that forthcoming data in 2015 would allow the EPA to make that determination. Tennessee has now submitted complete, quality-assured, and certified air quality monitoring data for 2015 for the areas identified in this document, and based on these data, the EPA is designating these areas as unclassifiable/attainment for the 2012 primary annual $PM_{2.5}$ NAAQS.

DATES: This final rule is effective on June 19, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2012–0918. All documents in the docket are listed in the *https://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *https://www.regulations.gov* or in hard copy at the EPA Docket Center, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744 and the telephone number for the Air Docket is (202) 566–1742.

In addition, the EPA has established a Web site for the rulemakings to initially designate areas for the 2012 primary annual $PM_{2.5}$ NAAQS at: *https://www3.epa.gov/pmdesignations/2012standards/index.htm.* This Web site includes the EPA's final $PM_{2.5}$ designations, as well as state and tribal initial recommendation letters, the EPA's modification letters, technical support documents, responses to comments and other related technical information.

FOR FURTHER INFORMATION CONTACT: For general questions concerning this action, please contact Carla Oldham, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Planning Division, C539–04, Research Triangle Park, North Carolina 27711, telephone (919) 541–3347, email at *oldham.carla@epa.gov.* The Region 4 contact is Madolyn Sanchez, U.S. EPA, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960, telephone (404) 562–9644, email at *sanchez.madolyn@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On December 14, 2012, the EPA promulgated a revised primary annual $PM_{2.5}$ NAAQS to provide increased protection of public health from fine particle pollution (78 FR 3086; January 15, 2013). In that action, the EPA strengthened the primary annual $PM_{2.5}$ standard from 15.0 micrograms per cubic meter ($\mu g/m^3$) to 12.0 $\mu g/m^3$, which is attained when the 3-year average of the annual arithmetic means does not exceed 12.0 $\mu g/m^3$. Section 107(d) of the Clean Air Act (CAA), 42 U.S.C. 7407(d), governs the process for initial area designations after the EPA establishes a new or revised NAAQS. Under CAA section 107(d), each governor is required to, and each tribal leader may, if they so choose, recommend air quality designations to the EPA by a date that cannot be later than 1 year after the promulgation of a new or revised NAAQS. The EPA considers these recommendations as part of its duty to promulgate the area designations and boundaries for the new or revised NAAQS. If, after careful consideration of these recommendations, the EPA believes that it is necessary to modify a state's recommendation and intends to promulgate a designation different from a state's recommendation, the EPA must notify the state at least 120 days prior to promulgating the final designation and the EPA must provide the state an opportunity to demonstrate why any proposed modification is inappropriate. These modifications may relate either to an area's designation or to its boundaries.

On December 18, 2014, the Administrator of the EPA signed a final action promulgating initial designations for the 2012 primary $PM_{2.5}$ NAAQS based on 2011–2013-air quality monitoring data for the majority of the U.S., including areas of Indian country (80 FR 2206; January 15, 2015). In that action, the EPA also deferred initial area designations for several areas where available data, including air quality monitoring data, were insufficient to determine whether the areas met or did not meet the NAAQS, but where forthcoming data were likely to result in complete and valid air quality data sufficient to determine whether these areas meet the NAAQS. Accordingly, the EPA stated that it would use the additional time available as provided under section 107(d)(1)(B) of the CAA to assess relevant information and subsequently promulgate initial designations for the identified areas through a separate rulemaking action or actions. The deferred areas included the entire state of Tennessee, except three counties in the Chattanooga area; several areas in the state of Georgia, including two neighboring counties in the bordering states of Alabama and South Carolina; the entire state of Florida; and areas of Indian country located in these areas.

In separate actions published on April 15, 2015 (80 FR 18535), and September 6, 2016 (81 FR 61136), the EPA completed designations of unclassifiable/attainment for all remaining deferred areas in the state of Georgia (including two neighboring counties in the bordering states of Alabama and South Carolina) and 62 counties in the state of Florida, including areas of Indian country located in those areas.

II. Purpose and Designation Decisions Based on 2013–2015 Data

The purpose of this action is to announce and promulgate initial area designations of unclassifiable/attainment for the 2012 $PM_{2.5}$ NAAQS for the remaining 92 counties in the state of Tennessee.[1] All of the areas at issue in this action were initially deferred in the EPA's January 15, 2015, rulemaking.[2] Since then, the state of Tennessee submitted to the EPA complete, quality-assured, and certified air quality monitoring data from 2013–2015 for these deferred areas. These data provide the EPA with sufficient information to promulgate initial designations for the remaining undesignated areas in the state of Tennessee in this action. Air quality data collected and submitted to the EPA

[1] The 3 previously designated unclassifiable/attainment counties in the Chattanooga area are Hamilton County, Marion County and Sequatchie County.

[2] *See* also the technical support document for the deferred Tennessee areas in the rulemaking docket, document numbered EPA–HQ–OAR–2012–0918–0325.

for 2013–2015 for these areas indicate that the areas are attaining the 2012 $PM_{2.5}$ NAAQS and are not causing or contributing to a violation of the NAAQS in a nearby area. Therefore, the EPA is designating the remaining 92 undesignated counties in the state of Tennessee as unclassifiable/attainment. This designation is consistent with Tennessee's recommended area designations and boundaries for these areas for the 2012 $PM_{2.5}$ standard. The table at the end of this final rule (amendments to 40 CFR 81.343—Tennessee) lists all areas for which the EPA has promulgated an initial designation in Tennessee. There are no areas of Indian country covered by this action.

III. Environmental Justice Considerations

When the EPA establishes a new or revised NAAQS, the CAA requires the EPA to designate all areas of the U.S. as either nonattainment, attainment, or unclassifiable. The EPA provided a meaningful opportunity for members of the public to participate in the development of the 2012 primary annual $PM_{2.5}$ standard that underlies the present action, including conducting an outreach and information call with environmental justice organizations on August 9, 2012.

As part of the process of reviewing the PM air quality criteria and revising the primary annual $PM_{2.5}$ standard, the EPA identified persons from lower socioeconomic strata as an at-risk population for PM-related health effects. As a result, the EPA carefully evaluated the potential impacts on low-income and minority populations. Based on this evaluation and consideration of public comments, the EPA eliminated spatial averaging provisions as part of the form of the primary annual $PM_{2.5}$ standard in order to avoid potential disproportionate impacts on at-risk populations, including populations from lower socioeconomics strata. *See* 78 FR at 3267 (January 15, 2013).

This final action addresses designation determinations for certain areas in Tennessee based on that 2012 primary annual $PM_{2.5}$ standard. The CAA requires the EPA to determine through a designation process whether an area meets or does not meet any new or revised national primary or secondary ambient air quality standard. The promulgation of area designations facilitates public understanding and awareness of the air quality in an area. For this action, the complete and valid monitoring data from Tennessee indicate that all affected areas are meeting the NAAQS. Furthermore, no area affected by this action is contributing to a NAAQS violation in a nearby area.

IV. Statutory and Executive Order Reviews

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

This action is exempt from review by the Office of Management and Budget because it responds to the CAA requirement to promulgate air quality designations after promulgation of a new or revised NAAQS.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This action fulfills the non-discretionary duty for the EPA to promulgate air quality designations after promulgation of a new or revised NAAQS and does not contain any information collection activities.

C. Regulatory Flexibility Act (RFA)

This designation action under CAA section 107(d) is not subject to the RFA. The RFA applies only to rules subject to notice and comment rulemaking requirements under the Administrative Procedure Act (APA), 5 U.S.C. 553, or any other statute. Section 107(d)(2)(B) of the CAA explicitly provides that designations are exempt from the notice and comment provisions of the APA. In addition, designations under section 107(d) are not among the list of actions that are subject to the notice and comment procedures of CAA section 307(d).

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. The action implements mandates specifically and explicitly set forth in the CAA for the 2012 $PM_{2.5}$ NAAQS (40 CFR 50.18). The CAA establishes the process whereby states take primary responsibility for developing plans, where required, to meet the 2012 $PM_{2.5}$ NAAQS.

E. Executive Order 13132: Federalism

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

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

This action does not have tribal implications. It will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. Areas of Indian country are not being designated as part of this action.

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

The EPA interprets Executive Order 13045 as applying 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 establish an environmental standard intended to mitigate health or safety risks.

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)

This rulemaking does not involve technical standards.

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

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). The documentation for this determination is contained in Section III of this preamble, ''Environmental Justice Considerations.''

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the U.S. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

L. Judicial Review

Section 307(b)(1) of the CAA indicates which Federal Courts of Appeal have venue for petitions of review of final

actions by the EPA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit: (i) When the agency action consists of ''nationally applicable regulations promulgated, or final actions taken by the Administrator,'' or (ii) when such action is locally or regionally applicable, if ''such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.''

This final action, in conjunction with the previous final actions designating areas across the U.S. for the 2012 annual $PM_{2.5}$ NAAQS, is ''nationally applicable'' within the meaning of section 307(b)(1). At the core of this final action is the EPA's interpretations of the definitions of nonattainment, attainment and unclassifiable under section 107(d)(1) of the CAA, and its application of those interpretations to areas across the country. For the same reasons, the Administrator is also determining that the final designations are of nationwide scope and effect for the purposes of section 307(b)(1). This is particularly appropriate because, in the report on the 1977 Amendments that revised section 307(b)(1) of the CAA, Congress noted that the Administrator's determination that an action is of ''nationwide scope or effect'' would be appropriate for any action that has a scope or effect beyond a single judicial circuit. H.R. Rep. No. 95–294 at 323, 324, *reprinted* in 1977 U.S.C.C.A.N. 1402–03. Here, the scope and effect of this final action extends to numerous judicial circuits since the designations relate to the designations for areas across the country. In these circumstances, section 307(b)(1) and its legislative history calls for the Administrator to find the action to be of ''nationwide scope or effect'' and for venue to be in the D.C. Circuit.

Thus, any petitions for review of final designations must be filed in the Court of Appeals for the District of Columbia Circuit within 60 days from the date final action is published in the **Federal Register**.

List of Subjects in 40 CFR Part 81

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

Dated: May 10, 2017.

E. Scott Pruitt,

Administrator.

For the reasons set forth in the preamble, 40 CFR part 81 is amended as follows:

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

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

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

Subpart C—Section 107 Attainment Status Designations

■ 2. Section 81.343 is amended by revising the table entitled ''Tennessee—2012 Annual $PM_{2.5}$ NAAQS [Primary]'' to read as follows:

§ 81.343 Tennessee.

* * * * *

TENNESSEE—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Anderson County		Unclassifiable/Attainment.		
Bedford County		Unclassifiable/Attainment.		
Benton County		Unclassifiable/Attainment.		
Bledsoe County		Unclassifiable/Attainment.		
Blount County		Unclassifiable/Attainment.		
Bradley County		Unclassifiable/Attainment.		
Campbell County		Unclassifiable/Attainment.		
Cannon County		Unclassifiable/Attainment.		
Carroll County		Unclassifiable/Attainment.		
Carter County		Unclassifiable/Attainment.		
Cheatham County		Unclassifiable/Attainment.		
Chester County		Unclassifiable/Attainment.		
Claiborne County		Unclassifiable/Attainment.		
Clay County		Unclassifiable/Attainment.		
Cocke County		Unclassifiable/Attainment.		
Coffee County		Unclassifiable/Attainment.		
Crockett County		Unclassifiable/Attainment.		
Cumberland County		Unclassifiable/Attainment.		
Davidson County		Unclassifiable/Attainment.		
Decatur County		Unclassifiable/Attainment.		
DeKalb County		Unclassifiable/Attainment.		
Dickson County		Unclassifiable/Attainment.		
Dyer County		Unclassifiable/Attainment.		
Fayette County		Unclassifiable/Attainment.		
Fentress County		Unclassifiable/Attainment.		
Franklin County		Unclassifiable/Attainment.		
Gibson County		Unclassifiable/Attainment.		
Giles County		Unclassifiable/Attainment.		
Grainger County		Unclassifiable/Attainment.		
Greene County		Unclassifiable/Attainment.		
Grundy County		Unclassifiable/Attainment.		
Hamblen County		Unclassifiable/Attainment.		
Hamilton County	April 15, 2015	Unclassifiable/Attainment.		
Hancock County		Unclassifiable/Attainment.		

TENNESSEE—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Hardeman County		Unclassifiable/Attainment.		
Hardin County		Unclassifiable/Attainment.		
Hawkins County		Unclassifiable/Attainment.		
Haywood County		Unclassifiable/Attainment.		
Henderson County		Unclassifiable/Attainment.		
Henry County		Unclassifiable/Attainment.		
Hickman County		Unclassifiable/Attainment.		
Houston County		Unclassifiable/Attainment.		
Humphreys County		Unclassifiable/Attainment.		
Jackson County		Unclassifiable/Attainment.		
Jefferson County		Unclassifiable/Attainment.		
Johnson County		Unclassifiable/Attainment.		
Knox County		Unclassifiable/Attainment.		
Lake County		Unclassifiable/Attainment.		
Lauderdale County		Unclassifiable/Attainment.		
Lawrence County		Unclassifiable/Attainment.		
Lewis County		Unclassifiable/Attainment.		
Lincoln County		Unclassifiable/Attainment.		
Loudon County		Unclassifiable/Attainment.		
McMinn County		Unclassifiable/Attainment.		
McNairy County		Unclassifiable/Attainment.		
Macon County		Unclassifiable/Attainment.		
Madison County		Unclassifiable/Attainment.		
Marion County	April 15, 2015	Unclassifiable/Attainment.		
Marshall County		Unclassifiable/Attainment.		
Maury County		Unclassifiable/Attainment.		
Meigs County		Unclassifiable/Attainment.		
Monroe County		Unclassifiable/Attainment.		
Montgomery County		Unclassifiable/Attainment.		
Moore County		Unclassifiable/Attainment.		
Morgan County		Unclassifiable/Attainment.		
Obion County		Unclassifiable/Attainment.		
Overton County		Unclassifiable/Attainment.		
Perry County		Unclassifiable/Attainment.		
Pickett County		Unclassifiable/Attainment.		
Polk County		Unclassifiable/Attainment.		
Putnam County		Unclassifiable/Attainment.		
Rhea County		Unclassifiable/Attainment.		
Roane County		Unclassifiable/Attainment.		
Robertson County		Unclassifiable/Attainment.		
Rutherford County		Unclassifiable/Attainment.		
Scott County		Unclassifiable/Attainment.		
Sequatchie County	April 15, 2015	Unclassifiable/Attainment.		
Sevier County		Unclassifiable/Attainment.		
Shelby County		Unclassifiable/Attainment.		
Smith County		Unclassifiable/Attainment.		
Stewart County		Unclassifiable/Attainment.		
Sullivan County		Unclassifiable/Attainment.		
Sumner County		Unclassifiable/Attainment.		
Tipton County		Unclassifiable/Attainment.		
Trousdale County		Unclassifiable/Attainment.		
Unicoi County		Unclassifiable/Attainment.		
Union County		Unclassifiable/Attainment.		
Van Buren County		Unclassifiable/Attainment.		
Warren County		Unclassifiable/Attainment.		
Washington County		Unclassifiable/Attainment.		
Wayne County		Unclassifiable/Attainment.		
Weakley County		Unclassifiable/Attainment.		
White County		Unclassifiable/Attainment.		
Williamson County		Unclassifiable/Attainment.		
Wilson County		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, if any, except as otherwise specified.
[2] This date is June 19, 2017, unless otherwise noted.

* * * * *

[FR Doc. 2017–10245 Filed 5–18–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 10

RIN 0906–AA89

340B Drug Pricing Program Ceiling Price and Manufacturer Civil Monetary Penalties Regulation

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Final rule; further delay of effective date.

SUMMARY: The Health Resources and Services Administration (HRSA) administers section 340B of the Public Health Service Act (PHSA), referred to as the ''340B Drug Pricing Program'' or the ''340B Program.'' HRSA published a final rule on January 5, 2017, that set forth the calculation of the ceiling price and application of civil monetary penalties. The final rule applied to all drug manufacturers that are required to make their drugs available to covered entities under the 340B Program. In accordance with a January 20, 2017, memorandum from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' HRSA issued an interim final rule that delayed the effective date of the final rule published in the **Federal Register** (82 FR 1210, (January 5, 2017)) to May 22, 2017. HHS invited commenters to provide their views on whether a longer delay of the effective date to October 1, 2017, would be more appropriate. After consideration of the comments received on the interim final rule, HHS is delaying the effective date of the January 5, 2017 final rule, to October 1, 2017.

DATES: As of May 19, 2017, the effective date of the final rule published in the **Federal Register** (82 FR 1210, (January 5, 2017)) is further delayed to October 1, 2017.

FOR FURTHER INFORMATION CONTACT: CAPT Krista Pedley, Director, Office of Pharmacy Affairs, Healthcare Systems Bureau, HRSA, 5600 Fishers Lane, Mail Stop 08W05A, Rockville, MD 20857, or by telephone at 301–594–4353.

SUPPLEMENTARY INFORMATION:

I. Background

In September 2010, HHS published an advanced notice of proposed rulemaking (ANPRM) in the **Federal Register**, ''340B Drug Pricing Program Manufacturer Civil Monetary Penalties'' (75 FR 57230, (September 20, 2010)). HHS subsequently published a notice of proposed rulemaking (NPRM) in June 2015 to implement civil monetary penalties (CMPs) for manufacturers who knowingly and intentionally charge a covered entity more than the ceiling price for a covered outpatient drug; to provide clarity regarding the requirement that manufacturers calculate the 340B ceiling price on a quarterly basis; and to establish the requirement that a manufacturer charge a $.01 (penny pricing policy) for drugs when the ceiling price calculation equals zero (80 FR 34583, (June 17, 2015)). The public comment period closed August 17, 2015, and HRSA received 35 comments. After review of the initial comments, HHS reopened the comment period (81 FR 22960, (April 19, 2016)) to invite additional comments on the following areas of the NPRM: 340B ceiling price calculations that result in a ceiling price that equals zero (penny pricing); the methodology that manufacturers use when estimating the ceiling price for a new covered outpatient drug; and the definition of the ''knowing and intentional'' standard to be applied when assessing a CMP for manufacturers that overcharge a covered entity. The comment period closed May 19, 2016, and HHS received 72 comments.

On January 5, 2017, HHS published a final rule in the **Federal Register** (82 FR 1210, (January 5, 2017)) and comments from both the NPRM and the reopening notice were considered in the development of the final rule. The provisions of that rule were to be effective March 6, 2017; however, HHS issued a subsequent final rule (82 FR 12508, (March 6, 2017)) delaying the effective date to March 21, 2017, in accordance with a January 20, 2017 memorandum from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review.'' [1] In the January 5, 2017 final rule, HHS recognized that the effective date fell during the middle of a quarter and stakeholders needed time to adjust systems and update their policies and procedures. As such, HHS stated that it intended to enforce the requirements of the final rule at the start of the next quarter, which began April 1, 2017.

After further consideration and to provide affected parties sufficient time to make needed changes to facilitate compliance, and because there were questions raised, HHS issued an interim final rule (82 FR 14332, (March 20, 2017)) to delay the effective date of the final rule to May 22, 2017, and solicited additional comment on whether that date should be further delayed to October 1, 2017. HHS received a number of comments on the interim final rule both supporting and opposing the delay of the effective date to May 22, 2017, or alternatively to October 1, 2017. After careful consideration of the comments received, HHS has decided to delay the effective date of the January 5, 2017 final rule to October 1, 2017. As the effective date of the final rule has been changed to October 1, 2017, enforcement will be correspondingly delayed to October 1, 2017. HHS continues to believe that the delay of the effective date provides regulated entities sufficient time to implement the requirements of the rule.

Section 553(d) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) requires that Federal agencies provide at least 30 days after publication of a final rule in the **Federal Register** before making it effective, unless good cause can be found not to do so. HHS finds that there is good cause for making this final rule effective less than 30 days after publication in the **Federal Register** given that failure to do so would result in the final rule published on January 5, 2017, going into effect for several weeks, before having a delayed effective date of October 1, 2017. To preclude this uncertainty in the marketplace and to ease the burdens on all stakeholders, HHS believes that a clear effective date is an important goal and one that becomes particularly important when it is paired with potential civil monetary penalties. The additional time provided to the public before the rule takes effect constitutes an extra quarter and will assist stakeholders in preparing to comply with these new program requirements.

II. Analysis and Responses to Public Comments

In the interim final rule, we solicited comments regarding whether HHS should delay the January 5, 2017 final rule to May 22, 2017, or alternatively to October 1, 2017. We received a broad range of 51 comments from covered entities, manufacturers, and groups representing these stakeholders. In this final rule, we will only be responding to comments related to whether HHS should delay the January 5, 2017 final rule to May 22, 2017, or to October 1, 2017. Comments that raised issues beyond the narrow scope of the interim final rule, including comments related to withdrawal of the rule or comments related to policy matters, were not

[1] See: *https://www.whitehouse.gov/the-press-office/2017/01/20/memorandum-heads-executive-departments-and-agencies.*

considered and are not addressed in this rulemaking. We have summarized the relevant comments received and provided our responses below.

Comment: Some commenters supported the May 22, 2017, effective date and opposed further delaying the final rule until October 1, 2017. The commenters explain that adequate enforcement of manufacturers' pricing obligations is key to the success of the 340B Program. These commenters also suggest that further delay of the final rule would result in a lack of oversight, regulation and basic enforcements for manufacturers, which would continue to hamper the 340B Program and lessen covered entities' ability to stretch scarce resources.

Response: HHS decided to delay the effective date of the January 5, 2017 final rule to October 1, 2017, to provide affected parties sufficient time to make needed changes to facilitate compliance. Given the comments received from stakeholders on the interim final rule regarding the challenges with complying with the January 5, 2017 final rule, HHS determined that delaying the effective date to October 1, 2017, is necessary to provide adequate time for compliance and to mitigate implementation concerns. HHS disagrees that further delay of the final rule would result in a lack of oversight, regulation, and basic enforcements for manufacturers.

Comment: Many commenters opposed further delaying the effective date to October 1, 2017, and suggested that the final rule be enforced immediately. These commenters noted that overcharges in the 340B Program were a widespread problem and that during 2003 and 2005, the HHS Office of the Inspector General (OIG) issued a report,[2] which found that HRSA lacked the necessary oversight mechanisms to ensure that covered entities pay at or below the 340B ceiling price. The commenters further noted that because of these deficiencies, Congress amended the 340B statute to improve manufacturer compliance by directing HRSA to implement standards for calculating ceiling prices and establish civil monetary penalties for manufacturers that knowingly and intentionally overcharge 340B covered entities. Commenters said that these standards were to be implemented in 2010 and given the long delay in promulgating regulations, they do not support any further delay of the January 5, 2017 final rule. The commenters stated that civil monetary penalties are needed now because they are the only viable penalty that HRSA can impose on manufacturers that violate their 340B pricing obligations.

Response: HHS does not agree that that the final rule should be enforced immediately. We are delaying the effective date of the January 5, 2017 final rule to October 1, 2017, to ensure that affected parties have sufficient time to make changes needed to facilitate compliance, which we believe will benefit all 340B stakeholders and enhance program integrity.

Comment: Some commenters raised concerns that the interim final rule did not satisfy APA requirements for rulemaking. Specifically, they argued that HHS had not shown good cause for delaying the effective date of the January 5, 2017 final rule without prior notice or opportunity for public comment and making that change effective immediately upon publication in the **Federal Register**.

Response: HHS disagrees that the good cause exemptions of the APA do not apply here. Our finding that good cause existed to waive the normal rulemaking requirements of the APA was based on our view that in this limited instance notice and public comment was impracticable, unnecessary, or contrary to the public interest. Because completion of a rulemaking with notice and comment procedures would not occur until after the previously announced effective date, we believe a delay in determining the effective date would create confusion that could disrupt orderly implementation of the January 5, 2017 final rule, and would be impracticable, unnecessary, and contrary to the public interest. In addition, we reiterate that we remain concerned that the original effective date for the January 5, 2017 final rule did not allow for sufficient time to consider the regulatory burdens that may be posed and did not provide stakeholders sufficient time to come into compliance with the new program requirements in the final rule. While there was good cause to amend the effective date of the January 5, 2017 final rule, without prior notice or opportunity for public comment and to make the action immediately effective, we note that we implemented the action on an interim basis only and provided notice and an opportunity for comment on the further delay of the effective date of the final rule to October 1, 2017. Based on the foregoing considerations as well as the comments received on our proposal in the interim final rule to further delay the effective date, we are delaying the effective date of the final rule to October 1, 2017.

Comment: Many commenters supported further delaying the effective date to October 1, 2017, at a minimum, and agreed with HHS that more time was needed for stakeholders to come into compliance.

Response: HHS agrees with the commenters and has decided to delay the effective date of the January 5, 2017 final rule to October 1, 2017.

III. Regulatory Impact Analysis

HHS examined the effects of this final rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 8, 2011), the Regulatory Flexibility Act (Pub. L. 96–354, September 19, 1980), the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), and Executive Order 13132 on Federalism (August 4, 1999).

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review as established in Executive Order 12866, emphasizing the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) Having an annual effect on the economy of $100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. A regulatory impact analysis (RIA) must be prepared for major rules with

[2] See: OIG, *Deficiencies in the Oversight of the 340B Drug Pricing Program (October 2005).*

economically significant effects ($100 million or more in any 1 year), and a ''significant'' regulatory action is subject to review by the Office of Management and Budget (OMB).

HHS does not believe the proposal to delay the effective date of the January 5, 2017 final rule will have an economic impact of $100 million or more, and is therefore not designated as an ''economically significant'' final rule under section 3(f)(1) of the Executive Order 12866. Therefore, the economic impact of having no rule in place related to the policies addressed in the final rule is believed to be minimal, as the policies would not yet be required or enforceable.

The Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) and the Small Business Regulatory Enforcement and Fairness Act of 1996, which amended the RFA, require HHS to analyze options for regulatory relief of small businesses. If a rule has a significant economic effect on a substantial number of small entities, the Secretary must specifically consider the economic effect of the rule on small entities and analyze regulatory options that could lessen the impact of the rule. HHS will use an RFA threshold of at least a 3 percent impact on at least 5 percent of small entities.

For purposes of the RFA, HHS considers all health care providers to be small entities either by meeting the Small Business Administration (SBA) size standard for a small business, or for being a nonprofit organization that is not dominant in its market. The current SBA size standard for health care providers ranges from annual receipts of $7 million to $35.5 million. As of January 1, 2017, over 12,000 covered entities participate in the 340B Program, which represent safety-net health care providers across the country. HHS determined, and the Secretary certifies that this final rule will not have a significant impact on the operations of a substantial number of small manufacturers; therefore, we are not preparing an analysis of impact for this RFA. HHS estimates the economic impact on small entities and small manufacturers will be minimal.

Unfunded Mandates Reform Act

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year.'' During 2013, that threshold level was approximately $141 million. HHS does not expect this final rule to exceed the threshold.

Executive Order 13132—Federalism

HHS reviewed this final rule in accordance with Executive Order 13132 regarding federalism, and has determined that it does not have ''federalism implications.'' This final rule would not ''have substantial direct effects on the States, or on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule would not adversely affect the following family elements: Family safety, family stability, marital commitment; parental rights in the education, nurture, and supervision of their children; family functioning, disposable income or poverty; or the behavior and personal responsibility of youth, as determined under Section 654(c) of the Treasury and General Government Appropriations Act of 1999.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that OMB approve all collections of information by a federal agency from the public before they can be implemented. This final rule is projected to have no impact on current reporting and recordkeeping burden for manufacturers under the 340B Program. This final rule would result in no new reporting burdens.

Dated: May 10, 2017.

George Sigounas,

Administrator, Health Resources and Services Administration.

Approved: May 15, 2017.

Thomas E. Price,

Secretary, Department of Health and Human Services.

[FR Doc. 2017–10149 Filed 5–18–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 510 and 512

[CMS–5519–F3]

RIN 0938–AS90

Medicare Program; Advancing Care Coordination Through Episode Payment Models (EPMs); Cardiac Rehabilitation Incentive Payment Model; and Changes to the Comprehensive Care for Joint Replacement Model (CJR); Delay of Effective Date

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule; delay of effective date.

SUMMARY: This final rule finalizes May 20, 2017 as the effective date of the final rule titled ''Advancing Care Coordination Through Episode Payment Models (EPMs); Cardiac Rehabilitation Incentive Payment Model; and Changes to the Comprehensive Care for Joint Replacement Model (CJR)'' originally published in the January 3, 2017 **Federal Register**. This final rule also finalizes a delay of the applicability date of the regulations at 42 CFR part 512 from July 1, 2017 to January 1, 2018 and delays the effective date of the specific CJR regulations listed in the **DATES** section from July 1, 2017 to January 1, 2018.

DATES: *Effective date:* The final rule published in the January 3, 2017 **Federal Register** (82 FR 180)) is effective May 20, 2017, except for the provisions of the final rule contained in the following amendatory instructions, which are effective January 1, 2018: Number 3 amending 42 CFR 510.2; number 4 adding 42 CFR 510.110; number 6 amending 42 CFR 510.120; number 14 amending 42 CFR 510.405; number 15 amending 42 CFR 510.410; number 16 revising 42 CFR 510.500; number 17 revising 42 CFR 510.505; number 18 adding 42 CFR 510.506; and number 19 amending 42 CFR 510.515.

Applicability date: The applicability date of the regulations at 42 CFR part 512 is January 1, 2018.

FOR FURTHER INFORMATION CONTACT: Sean Harris (410) 786–0812. For questions related to the EPMs: *EPMRULE@cms.hhs.gov*. For questions related to the CJR model: *CJR@cms.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

In the interim final rule with comment period published on March 21, 2017 (82 FR 14464), we delayed the effective date of the final rule titled ''Advancing Care Coordination Through Episode Payment Models (EPMs); Cardiac Rehabilitation Incentive Payment Model; and Changes to the Comprehensive Care for Joint Replacement Model (CJR)'' to May 20, 2017, the applicability date of the regulations at 42 CFR part 512 to October 1, 2017, and the effective date of the specific CJR regulations itemized in the **DATES** section to October 1, 2017. The 30-day comment period for that rule closed on April 19, 2017. We received 47 submissions in response to our comment solicitation on the start date for the EPMs and Cardiac Rehabilitation (CR) incentive payment model, and we have summarized and responded to comments related to the appropriateness of this delay as well as a further delay until January 1, 2018, in the following section.

II. Provisions of the Interim Final Rule With Comment Period and Analysis of and Responses to Public Comments

In the January 3, 2017 **Federal Register** (82 FR 180), we published a final rule titled ''Advancing Care Coordination Through Episode Payment Models (EPMs); Cardiac Rehabilitation Incentive Payment Model; and Changes to the Comprehensive Care for Joint Replacement Model (CJR)'' (hereafter called the EPM final rule), which implements three new Medicare Parts A and B EPMs and a Cardiac Rehabilitation (CR) incentive payment model, and implements changes to the existing CJR model under section 1115A of the Social Security Act (the Act). Under the three new EPMs, acute care hospitals in certain selected geographic areas will participate in retrospective EPMs targeting care for Medicare fee-for-service (FFS) beneficiaries receiving services during acute myocardial infarction (AMI), coronary artery bypass graft (CABG), and surgical hip/femur fracture treatment (SHFFT) episodes. All related care within 90 days of hospital discharge will be included in the episode of care. The three new EPMs are called the AMI EPM, CABG EPM, and SHFFT EPM. Under the CR incentive payment model, acute care hospitals in certain selected geographic areas will receive retrospective incentive payments for beneficiary utilization of cardiac rehabilitation/intensive cardiac rehabilitation services during the 90 days following the hospital discharge that initiated an AMI or a CABG episode.

The EPM final rule included an effective date of February 18, 2017 for all provisions except those contained in the following amendatory instructions, which were to become effective on July 1, 2017: Number 3 amending 42 CFR 510.2; number 4 adding 42 CFR 510.110; number 6 amending 42 CFR 510.120; number 14 amending 42 CFR 510.405; number 15 amending 42 CFR 510.410; number 16 revising 42 CFR 510.500; number 17 revising 42 CFR 510.505; number 18 adding 42 CFR 510.506; and number 19 amending 42 CFR 510.515. For the EPMs and CR incentive payment model, the provisions in the EPM final rule regarding the regulations at 42 CFR part 512 were to become effective February 18, 2017, but the applicability date was July 1, 2017, meaning that the episodes for those models would not start until July 1, 2017.

In the February 17, 2017 **Federal Register** (82 FR 10961), as directed by the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, titled ''Regulatory Freeze Pending Review'', we published a final rule that delayed the effective date of the EPM final rule for provisions that were to become effective on February 18, 2017, to an effective date of March 21, 2017. In the February 17, 2017 final rule (82 FR 10961), we stated that the provisions contained in the amendatory instructions summarized in the previous paragraph remained effective July 1, 2017. In addition, the applicability dates for the EPMs and CR incentive payment model remained July 1, 2017.

The January 20, 2017 ''Regulatory Freeze Pending Review'' memorandum encourages agencies to consider proposing for notice and comment a rule to delay the effective date for regulations beyond that 60-day period. In the interim final rule with comment period published on March 21, 2017 (hereafter called the March 21, 2017 IFC), we further delayed the effective date of the EPM final rule from March 21, 2017 (as provided in the final rule published in the February 17, 2017 **Federal Register** (82 FR 10961)) to May 20, 2017; delayed the applicability date of the regulations that were to be applicable on July 1, 2017 to an applicability date of October 1, 2017; and delayed the effective date of certain conforming changes to CJR provisions that were to be effective July 1, 2017 to October 1, 2017. These delays postponed the applicability of the EPMs and the CR incentive payment model, as well as the date on which conforming changes to the CJR model regulations take effect, until October 1, 2017. This additional 3-month delay was necessary to allow time for additional review, to ensure that the agency had adequate time to undertake notice and comment rulemaking to propose changes to the policy as warranted, and to ensure that participants have a clear understanding of the models and are not required to take needless compliance steps due to the rule taking effect for a short duration before any potential changes are effectuated. We noted that, in light of the potential need for further notice and comment rulemaking prior to the start of the models, it would be problematic not to adjust the start date for the EPMs and CR incentive payment model from July 1, 2017. Given participants' need for advance notice of the terms of the models, and the fact that the episodes being tested in these models exceed 90 days in duration because they initiate with a hospitalization and end 90 days after discharge, we believed that immediately moving the start date of the EPMs and CR incentive payment model to October 1, 2017 was appropriate.

Moreover, in the January 3, 2017 final rule, payment year one for the EPMs was originally to cover the 6-month period from July 1, 2017 through December 31, 2017. Subsequent EPM model years run a full 12 months in accordance with the calendar year. Considering the length of episodes in the models, we believed it would be preferable to maintain a duration of at least 6 months for payment year one and that it would be less burdensome for participants to adhere as closely to the calendar year as possible when defining model payment years. Further, to the extent that we would propose and finalize revisions to the model, should we determine changes are warranted, we noted that participants should have reasonable time to prepare. Therefore, we sought comment on a longer delay of the start date, including to January 1, 2018, and noted that we would address the comments and effectuate any additional delay in the models' start date when we finalized the March 21, 2017 IFC. In addition, we noted that if we effectuated any additional delay in the models' start date, we also would delay the effective date of certain conforming CJR regulation changes (that is, the changes listed in the **DATES** section of the EPM final rule that originally were to take effect July 1, 2017) so that the effective date of those changes remained aligned with the start date of the EPMs.

The 30-day comment period for the March 21, 2017 IFC closed on April 19, 2017. We received multiple comments on the models' start date change on which we solicited comment in the IFC

and those comments and our responses are discussed in the following paragraphs. We also received a number of comments on the models that did not relate to the start date change comment solicitation. These additional comments suggested that we reconsider or revise various model aspects, policies and design components; in particular these comments suggested that we should make participation in the models voluntary instead of mandatory. We will not respond to these comments in this final rule as they are out of scope of this rulemaking, but we may take them into consideration in future rulemaking.

Comment: Many commenters supported CMS' further delay of the start date from October 1, 2017 to January 1, 2018 for the EPMs and CR incentive payment model. Commenters requested at least 6 months of preparation time after the EPM final rule takes effect, stating that the EPM episodes are complex, involve sick patients with many entry points into acute care settings, and require the establishment of networks for coordination across numerous specialists. Commenters stated that participants need time to evaluate the final model provisions, to develop specific EPM care plans, and to update health information technology, quality metrics, patient and family education, care management and discharge planning. Commenters stated that more lead time is needed to redesign clinical care in a manner that ensures beneficiaries receive the most appropriate and optimal care, including increasing referrals to cardiac rehabilitation. Some commenters requested that we provide historic claims data as scheduled and do not delay sharing data so that hospital can identify opportunities for care redesign in advance of the models' start date. Additionally, commenters noted that January 1, 2018 would be better than October 1, 2017 to start the models, as a 3-month payment year one would not allow for meaningful performance outcomes. Commenters also noted that a model start date of January 1, 2018 would allow CMS to engage in additional rulemaking on the specific EPM structure and overall model design.

A few commenters suggested that the October 1, 2017 start date should be retained, and hospitals should have the option to delay their participation in the EPMs until January 1, 2018. This option would allow hospitals with no prior experience operating under risk-based models more time to prepare while other hospitals could begin participating sooner. One commenter did not support further delay until January 1, 2018, stating that continued uncertainty around the start date of the EPMs and CR incentive payment model may penalize proactive providers who have been preparing for implementation of the EPMs and CR incentive payment model since they were notified of their participation in the model at the time of the publication of the EPM final rule in early 2017. Several commenters suggested that rather than delaying the EPMs, CMS should withdraw these models all together. Other commenters suggested that these models be delayed indefinitely until further evaluation can be done to determine consequences of these models on the health care marketplace in the selected geographic areas and on other Innovation Center models.

Response: We thank commenters for their feedback. Based on this feedback, we agree with the majority of commenters that an additional delay prior to the start of the EPMs and CR incentive payment model is necessary. Delaying the EPMs' and CR incentive payment model's start date dates until January 1, 2018 will ensure that CMS has adequate time to undertake notice and comment rulemaking, if modifications are warranted. This would ensure that, in the case of any policy changes, participants would have a clear understanding of the governing rules before episodes begin and have the opportunity to take additional steps to adjust to any potential changes that may be effectuated.

Moreover, in the EPM final rule, payment year one for the EPMs was established to cover the 6-month period from July 1, 2017 through December 31, 2017. Subsequent EPM model years run a full 12 months in accordance with the calendar year. Considering that the length of episodes in the EPMs includes the duration of the hospitalization and the 90 day post-discharge period and therefore exceeds 90 days in duration, we believe it would be preferable to maintain a duration of at least 6 months for payment year one, which also would also give participant hospitals 6 additional months of experience in the models before downside risk begins for all participants. Additionally, we believe it would be less burdensome for participants to adhere as closely to the calendar year as possible when defining model payment years.

We disagree with commenters who were opposed to further delaying the models until January 1, 2018 on the basis that a delay would penalize those participants who may be ready for an October 1, 2017 implementation date. Additionally, we are respectfully rejecting the suggestion that optional model start dates of October and January should be allowed due to the additional operational and administrative burden that would arise from creating two sets of model timeframes. We believe that all model participants should have time to consider proposed changes to these models, operate under the same model timeframe, and have time between the establishment of the final model parameters and the start date of the models.

We also note that we disagree with commenters who suggested that CMS withdraw these models altogether and/or delay them indefinitely. As we stated in the January 3, 2017 EPM final rule, we believe these models will further our goals of improving the efficiency and quality of care for Medicare beneficiaries receiving care for these common clinical conditions and procedures.

Comment: Several commenters did not support the delay of the establishment of an Alternative Payment Models Beneficiary Ombudsman, which they believe would result from a delay of the EPM final rule. These commenters stated that beneficiaries whose care is provided through alternative payment models have unique questions and may face a variety of issues, and a centralized, expert resource with information about all of the Alternative Payment Models will support CMS's existing information networks and allow for robust tracking of complaints and problems. Commenters stated that focused ombudsman programs work well both in protecting beneficiaries and helping demonstrations stay on track by identifying issues early. Commenters stated that an ombudsman can help ensure consumer understanding, identify systemic issues with implementation, and solve many problems without the need to use formal appeals processes.

Response: As we stated in the January 3, 2017 EPM final rule (82 FR 430), we intend to establish an Alternative Payment Models Beneficiary Ombudsman within CMS who will complement the Medicare Beneficiary Ombudsman in responding to beneficiary inquiries and concerns arising from care under the EPMs, CR incentive payment model and CJR model, as well as other Innovation Center models, under the existing Medicare processes. We agree with the commenters that ombudsman programs are helpful to resolve beneficiary concerns and in tracking model issues. We note that delaying the start date of the EPMs and CR incentive payment

model will allow CMS additional time to establish ombudsman support for these models.

For the CJR model, there are already numerous model-specific processes in place and in the Medicare program generally to protect beneficiary choice. We have established similar protections for beneficiary choice in the EPM regulations. In the EPMs and CJR model, beneficiaries retain their right to choose the provider or supplier for medically necessary, covered services. Under these models, the beneficiary retains the benefits of the doctor-patient relationship and is provided additional notification of any sharing arrangements the participant hospital may have with EPM and CJR collaborators that could create a potential conflict of interest. In addition, the beneficiary must be provided with a notice for continuing services that are not covered under the models or Medicare, such as a continued stay in an EPM participant or a skilled nursing facility (SNF), and the beneficiary has access to the existing expedited review process in these cases. At any time during these models, the beneficiary retains the right to also voice concerns or grievances using currently available resources, by calling their local Quality Improvement Organization (QIO) contractor or by calling the 1–800–MEDICARE helpline.

Comment: Several commenters strongly urged CMS to refrain from delaying implementation of the CR incentive payment model. Citing multiple research studies on cardiac rehabilitation data, commenters stated that cardiac rehabilitation has health benefits as well as financial advantages, including reduced hospitalizations and use of medical resources. Commenters stated that the incentive payments may be used to better coordinate cardiac rehabilitation and to support beneficiary adherence to the CR treatment plans by removing barriers to participation.

Response: Although we appreciate the commenters' support for the CR incentive payment model, we note that the CR incentive payment model that will run in the EPM MSAs is designed to incentivize CR utilization by beneficiaries in active EPM AMI and CABG episodes. The CR incentive payment model is being tested in EPM model MSAs and in other FFS MSAs concurrently. Prior to January 1, 2018 there will be no active EPM episodes in the EPM MSAs. We believe it would be confusing and operationally challenging to start the CR incentive payment model on October 1, 2017, which is 3 months before the EPM cardiac models start. We believe that existing Medicare FFS provisions sufficiently allow beneficiaries access to appropriate cardiac rehabilitation services prior to the start of the CR incentive payment model. Thus, we do not agree that we should begin the CR incentive payment model prior to the EPMs, and will start the CR incentive payment model in conjunction with the AMI and CABG EPMs on January 1, 2018.

Comment: Some commenters expressed concerns about delaying the conforming changes to the CJR model that were originally intended to take effect July 1, 2017 to October. These commenters also objected to a further delay of those same CJR model changes to January 1, 2018. One commenter expressed support for delaying these CJR conforming changes to allow participants ample time to implement changes within their healthcare systems, even though there could be some impact on clinicians' participation in the 2017 Advanced APM track. Commenters expressed concern regarding the ability of orthopedic surgeons to achieve qualified provider status for participating in an Advanced APM for 2017 should the models be delayed beyond October 1, 2017. Commenters stated that changes to CJR requirements for beneficiary notification and sharing arrangements provide clarity, help ensure compliance with timely beneficiary notification, and enhance hospitals' ability to engage with additional crucial care partners through the use of financial incentives. Commenters expressed concern that without these changes to beneficiary notification and sharing agreements, there will continue to be beneficiary confusion and distress regarding the notification requirement and an increased burden for participants. Commenters also expressed concern that a further delay of changes to the types of entities that can be CJR collaborators would prevent non-physician practitioner group practices, therapy group practices, therapists in private practice, and comprehensive outpatient rehabilitation facilities from becoming CJR collaborators during 2017.

Response: We thank the commenters for their feedback. The purpose of making conforming changes to certain aspects of the CJR model was to align the established EPM policies with CJR policies that are similar, which we believe would decrease burden, particularly for CJR hospitals participating in the SHFFT model. We note that several changes to the CJR beneficiary notification requirements will take effect on May 20, 2017, most notably the changes at § 510.405(a) and (b) changes that recognize that the beneficiary's condition may affect the timing of notification about the CJR model and that cover notification by collaborators about applicable sharing arrangements (82 FR 616). We are only delaying changes to the beneficiary notification provisions (that is, revisions to § 510.405(b)(1), (2), and (4)) that add non-physician practitioner group practices (NPPGPs) and therapy group practices (TGPs) to the collaborators responsible for compliance with § 510.405 because the conforming provisions that add NPPGPs and TGPs to the list of eligible collaborators are being delayed until January to align collaborator requirements across the CJR and SHFFT models.

We note that the provisions in the EPM final rule that allow hospitals to join the Advanced APM option under the CJR model are effective May 20, 2017, and will allow eligible clinicians on a CJR affiliated practitioner list to potentially qualify as Qualifying APM Participants (QPs) under the Quality Payment Program in 2017. In response to commenters' concern regarding the ability of orthopedic surgeons to achieve QP status for participating in an Advanced APM for 2017, we would like to clarify that the delay until January 1, 2018 of certain conforming changes to the CJR regulations is unlikely to have an effect on most eligible clinicians to achieve QP status for participating in an Advanced APM for 2017. We understand that the conforming changes to the types of CJR collaborators, including the change that permits ACOs to be CJR collaborators, will not become effective until January 1, 2018. However, physicians and physician group practices have been valid CJR collaborator types since the CJR model began, and therefore we believe that most orthopedic surgeons furnishing services to beneficiaries included in CJR in 2017 would already have arranged to be CJR collaborators under these existing categories. Therefore, we believe orthopedic surgeons' ability to qualify for QP status in 2017 is unlikely to be significantly affected by the delay of regulations that broaden the scope of CJR collaborator provider types.

Final Decision: After careful consideration of the public comments received, we are finalizing a further delay of the start date of the EPMs and CR incentive payment model until January 1, 2018, such that these models' performance year 1 would start on January 1, 2018 and end on December 31, 2018. Additionally, we are finalizing a further delay of the effective date of the CJR regulation amendments that were to take effect October 1, 2017. These CJR regulation amendments will

now be effective as of January 1, 2018, to maintain our policy of aligning these changes with the EPMs.

III. Out of Scope Public Comments Received

We received public comments suggesting changes to the overall design of the EPMs, CR incentive payment model and CJR model that were outside of the scope of the March 21, 2017 IFC. These comments touched on participation requirements, data, pricing, quality measures, episode length, CR and SNF waivers, beneficiary exclusions and notification requirements, repayment, coding, and model overlap issues. We consider these public comments to be outside of the scope of the March 21, 2017 IFC; and therefore, we are not addressing them in this final rule. We may consider these public comments in future rulemaking.

IV. Waiver of the Delay in Effective Date

Section 553(d) of the Administrative Procedure Act (APA) normally requires a 30-day delay in the effective date of a rule, but this delay can be waived for good cause. Because in the March 21, 2017 IFC we immediately adjusted the applicability dates of the EPMs and CR incentive payment model (and the effective date of certain conforming CJR model changes) by 3 months, but believed a 6-month delay might be warranted, in the March 21, 2017 IFC we solicited public comment on the appropriateness of a further delay in the applicability (model start) date of the EPMs and CR incentive payment model, and took those comments into consideration in this final rule. In light of the comments, we are implementing a further delay in the applicability (model start) date for the EPMs and CR incentive payment model (as well as a further delay in the effective date of the conforming CJR model changes specified in the **DATES** section of this final rule). We believe that a 30-day delay in the effective date of this final rule would be contrary to the public interest because it would cause confusion for affected participants. Specifically, as of May 20, 2017, the EPM final rule would become effective and would specify an October 1, 2017 start date for the EPMs and CR incentive payment model, and then this final rule would subsequently specify a January 1, 2018 start date for the EPMs and CR incentive payment model. Such an outcome could cause participants to take needless compliance steps in anticipation of an October 1, 2017 start date, and before any potential modifications, if warranted, can be effectuated. For these reasons, we find good cause to waive the 30-day delay in effective date provided for in 5 U.S.C. 553(d). Based on these findings, this final rule is effective upon publication in the **Federal Register**.

Dated: May 12, 2017.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

Approved: May 15, 2017.

Thomas E. Price,

Secretary, Department of Health and Human Services.

[FR Doc. 2017–10340 Filed 5–18–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–8479]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *https://www.fema.gov/national-flood-insurance-program-community-status-book.*

DATES: The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Patricia Suber, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 400 C Street SW., Washington, DC 20472, (202) 646–4149.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register.**

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5

U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. FEMA has determined that the community suspension(s) included in this rule is a non-discretionary action and therefore the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) does not apply.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in SFHAs
Region I				
Connecticut:				
Ansonia, City of, New Haven County	090071	November 2, 1974, Emerg; September 2, 1981, Reg; May 16, 2017, Susp.	May 16, 2017	May 16, 2017
Branford, Town of, New Haven County	090073	April 5, 1973, Emerg; December 15, 1977, Reg; May 16, 2017, Susp.	do*	Do.
Bristol, City of, Hartford County	090023	May 2, 1975, Emerg; November 18, 1981, Reg; May 16, 2017, Susp.	do	Do.
Cheshire, Town of, New Haven County	090074	March 13, 1975, Emerg; July 16, 1981, Reg; May 16, 2017, Susp.	do	Do.
Derby, City of, New Haven County	090075	February 4, 1972, Emerg; September 15, 1977, Reg; May 16, 2017, Susp.	do	Do.
East Haven, Town of, New Haven County.	090076	April 19, 1973, Emerg; February 1, 1978, Reg; May 16, 2017, Susp.	do	Do.
Guilford, Town of, New Haven County	090077	October 20, 1972, Emerg; May 1, 1978, Reg; May 16, 2017, Susp.	do	Do.
Hamden, Town of, New Haven County	090078	May 3, 1973, Emerg; June 15, 1979, Reg; May 16, 2017, Susp.	do	Do.
New Britain, City of, Hartford County	090032	August 22, 1973, Emerg; July 16, 1981, Reg; May 16, 2017, Susp.	do	Do.
New Haven, City of, New Haven County.	090084	October 25, 1973, Emerg; July 16, 1980, Reg; May 16, 2017, Susp.	do	Do.
North Haven, Town of, New Haven County.	090086	July 13, 1973, Emerg; September 17, 1980, Reg; May 16, 2017, Susp.	do	Do.
Orange, Town of, New Haven County	090087	May 25, 1973, Emerg; March 18, 1980, Reg; May 16, 2017, Susp.	do	Do.
Prospect, Town of, New Haven County	090151	July 1, 1975, Emerg; February 4, 1977, Reg; May 16, 2017, Susp.	do	Do.
Southington, Town of, Hartford County	090037	July 3, 1975, Emerg; July 16, 1981, Reg; May 16, 2017, Susp.	do	Do.
Wallingford, Town of, New Haven County.	090090	June 25, 1973, Emerg; September 15, 1978, Reg; May 16, 2017, Susp.	do	Do.
Woodbridge, Town of, New Haven County.	090153	June 18, 1975, Emerg; March 16, 1981, Reg; May 16, 2017, Susp.	do	Do.
Region IV				
Mississippi:				
Charleston, City of, Tallahatchie County	280169	May 19, 1975, Emerg; August 4, 1987, Reg; May 16, 2017, Susp.	do	Do.
Crowder, City of, Panola and Quitman Counties.	280128	August 6, 1975, Emerg; August 1, 1986, Reg; May 16, 2017, Susp.	do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in SFHAs
Glendora, City of, Tallahatchie County	280210	April 9, 1974, Emerg; September 27, 1985, Reg; May 16, 2017, Susp.	.....do	Do.
Marks, City of, Quitman County	280140	March 4, 1974, Emerg; September 4, 1985, Reg; May 16, 2017, Susp.	.....do	Do.
Quitman County, Unincorporated Areas	280207	March 4, 1974, Emerg; September 4, 1985, Reg; May 16, 2017, Susp.	.....do	Do.
Sumner, Town of, Tallahatchie County	280194	January 28, 1974, Emerg; September 4, 1985, Reg; May 16, 2017, Susp.	.....do	Do.
Tutwiler, Town of, Tallahatchie County	280197	January 28, 1974, Emerg; September 1, 1986, Reg; May 16, 2017, Susp.	.....do	Do.
Webb, Town of, Tallahatchie County	280213	May 3, 1975, Emerg; August 1, 1986, Reg; May 16, 2017, Susp.	.....do	Do.
South Carolina:				
Chester County, Unincorporated Areas	450047	August 20, 1975, Emerg; July 5, 1982, Reg; May 16, 2017, Susp.	.....do	Do.
Lancaster, City of, Lancaster County	450121	December 7, 1973, Emerg; July 5, 1982, Reg; May 16, 2017, Susp.	.....do	Do.
Lancaster County, Unincorporated Areas.	450120	July 3, 1975, Emerg; January 6, 1983, Reg; May 16, 2017, Susp.	.....do	Do.
Tega Cay, City of, York County	450036	N/A, Emerg; January 28, 2009, Reg; May 16, 2017, Susp.	.....do	Do.
York County, Unincorporated Areas	450193	June 18, 1975, Emerg; November 4, 1981, Reg; May 16, 2017, Susp.	.....do	Do.
Region VII				
Iowa:				
Anita, City of, Cass County	190048	April 11, 1975, Emerg; June 17, 1986, Reg; May 16, 2017, Susp.	.....do	Do.
Cass County, Unincorporated Areas	190852	August 25, 1975, Emerg; September 1, 1986, Reg; May 16, 2017, Susp.	.....do	Do.
Fonda, City of, Pocahontas County	190483	May 26, 2010, Emerg; May 1, 2011, Reg; May 16, 2017, Susp.	.....do	Do.
Griswold, City of, Cass County	190346	October 26, 1976, Emerg; May 1, 1987, Reg; May 16, 2017, Susp.	.....do	Do.
Marne, City of, Cass County	190348	September 11, 2008, Emerg; January 6, 2011, Reg; May 16, 2017, Susp.	.....do	Do.
Massena, City of, Cass County	190349	January 15, 2008, Emerg; January 6, 2011, Reg; May 16, 2017, Susp.	.....do	Do.

*do = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: May 4, 2017.

Michael M. Grimm,

Assistant Administrator for Mitigation, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2017–10161 Filed 5–18–17; 8:45 am]

BILLING CODE 9110–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket Nos. 10–90, 14–58, CC Docket No. 01–92; FCC 17–36]

Connect America Fund, ETC Annual Reports and Certifications, Developing a Unified Intercarrier Compensation Regime

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) grants the Petition for Reconsideration filed by NTCA—The Rural Broadband Association (NTCA) of the Commission's *Rate-of-Return Reform Order* with respect to the average per-location, per-project construction limitation on universal service support provided for in the *Rate-of-Return Reform Order.* Amending the rule as described below will encourage carriers to plan cost-effective broadband deployment projects that include higher-cost locations, while maintaining adequate incentives for the efficient use of universal service funds.

DATES: Effective June 19, 2017.

FOR FURTHER INFORMATION CONTACT: Alexander Minard, Wireline Competition Bureau, (202) 418–0428 or TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order on Reconsideration in WC Docket Nos. 10–90, 14–58, CC Docket No. 01–92; FCC 17–36, adopted on April 20, 2017 and released on April 21, 2017. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street SW., Washington, DC 20554, or at the following Internet address: *http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0421/FCC-17-36A1.pdf.*

I. Order on Reconsideration

1. By this Order, the Commission grants the Petition for Reconsideration filed by NTCA of the Commission's *Rate-of-Return Reform Order,* 81 FR 24282, April 25, 2016, with respect to the average per-location, per-project construction limitation on universal service support provided for in the *Rate-*

of-Return Reform Order. The Commission finds that amending the rule as described below will encourage carriers to plan cost-effective broadband deployment projects that include higher-cost locations, while maintaining adequate incentives for the efficient use of universal service funds.

2. In the *Rate-of-Return Reform Order,* the Commission adopted a Capital Investment Allowance to limit universal service reimbursement of capital expenses associated with very high-cost locations, with a goal of preserving funds for more efficient projects with deployment to a greater number of lower-cost locations. As part of the Capital Investment Allowance, the Commission adopted a rule precluding carriers from seeking universal service support for all capital expenses associated with any construction project with average per-location costs above a company-specific ''Maximum Average Per-Location Construction Project Limitation.''

3. NTCA seeks reconsideration of how the construction limitation is applied. NTCA contends that disallowing all costs associated with a construction project will cause carriers to exclude certain locations to reduce the average per-location cost of the project, with the possible consequence of permanently ''stranding'' some locations without broadband-capable service. For example, if a carrier subject to a $10,000 average per-location limitation developed a project costing $105,000 to serve 10 locations (*i.e.,* with an average cost per-location served of $10,500), the cost of the entire project would be disallowed. The carrier might instead exclude a handful of the highest cost locations to bring the average per-location cost below the threshold. Once excluded, however, there may not be a subsequent project that deploys service to those locations as efficiently as the first project and, as a result, the location may never receive broadband-capable service.

4. NTCA therefore requests that the rule disallow, for the purpose of seeking universal service support, only the portion of a project's expenses that exceed the average per-location threshold. In the example above, where the $10,500 average per-location cost of the project exceeds the carrier's $10,000 Maximum Average Per Location Construction Project Loop Plant Investment Limitation, the carrier would report $100,000 (*i.e.,* $10,000 per location) for universal service support purposes and exclude $5,000 (*i.e.,* the amount in excess of $10,000 per location). In that case, a carrier might elect to deploy service to the highest-cost locations without prejudice to its ability to receive universal service support for the project, up to the amount of the average per-location cap.

5. Upon reconsideration, the Commission agrees that wholly disallowing costs associated with projects exceeding the construction limitation could have the effect of preventing deployment to some locations that a carrier might otherwise choose to serve. As the Commission noted in adopting the Capital Investment Allowance, ''[a]lthough it is the Commission's goal to ensure broadband deployment throughout all areas, finite universal service resources must be used where they are most needed.'' NTCA's proposed solution is to retain the average per-location construction limitation as a maximum amount includable for universal service support purposes in connection with a construction project. The Commission finds that this solution adequately preserves two critical Commission interests: First, promoting efficient use of universal service funds to maximize the number of high-cost locations with broadband-capable facilities, and second, enabling some locations to be efficiently included within another deployment project (when they might otherwise be denied service altogether). The Commission therefore grants NTCA's petition with respect to the construction limitation.

II. Procedural Matters

6. *Paperwork Reduction Act.* 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).

7. *Final Regulatory Flexibility Certification.* The Regulatory Flexibility Act of 1980 as amended (RFA) requires that a regulatory flexibility analysis be prepared for rulemaking proceedings, unless the agency certifies that ''the rule will not have a significant economic impact on a substantial number of small entities.'' The RFA generally defines ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. 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 Small Business Administration (SBA).

8. In this Order on Reconsideration, the Commission amends the construction project limitation within the Capital Investment Allowance to permit carriers to report, for universal service purposes, capital expenses per location up to the established per-location per project limit, rather than disallowing all capital expenses associated with construction projects in excess of the limit. This project-specific limitation provides a reasonable upper limit on the amount of per-location capital expenses associated with a carrier's new construction project that the Commission expects will rarely be exceeded. Moreover, to the extent that this rule change has a significant economic impact on any small carriers, the rule change will provide such carries additional flexibility to undertake new construction projects that exceed the limit without risk of losing all universal service support associated with the project. Because the Commission anticipates that this rule will not affect a substantial number of carriers, the Commission does not anticipate that it will affect a substantial number of small entities. Therefore, the Commission certifies that the requirements of this Order on Reconsideration will not have a significant economic impact on a substantial number of small entities. The Commission will send a copy of the Order on Reconsideration including a copy of this final certification to the Chief Counsel for Advocacy of the Small Business Administration. *See* 5 U.S.C. 605(b).

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

III. Ordering Clauses

10. Accordingly, *it is ordered* that, pursuant to the authority contained in sections 1 through 4, 214(e)(6), and 254 of the Communications Act of 1934, 47 U.S.C. 151–154, 214(e)(6), 254, and pursuant section 1.429 of the Commission's rules, 47 CFR 1.429, the Petition for Reconsideration filed by NTCA on January 3, 2017 *is granted* to the extent indicated above and this Order on Reconsideration *is adopted,* effective thirty (30) days after publication of the text or summary thereof in the **Federal Register**.

11. *It is further ordered* that the Commission *shall send* a copy of this Order on Reconsideration to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

12. *It is further ordered* that pursuant to section 1.427 of the Commission's rules, 47 CFR 1.427, this Order *shall be effective* 30 days after publication of the text or summary thereof in the **Federal Register**.

List of Subjects in 47 CFR Part 54

Communications common carriers, Health facilities, Infants and children, Internet, Libraries, Reporting and recordkeeping requirements, Schools, Telecommunications, Telephone.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 54 as follows:

PART 54—UNIVERSAL SERVICE

■ 1. The authority citation for part 54 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 155, 201, 205, 214, 219, 220, 254, 303(r), 403, and 1302 unless otherwise noted.

■ 2. Amend § 54.303 by revising paragraph (f) introductory text to read as follows:

§ 54.303 Eligible Capital Investment and Operating Expenses.

* * * * *

(f) *Construction allowance adjustment.* Notwithstanding any other provisions of this section, a rate-of-return carrier must exclude from the data it submits for the purposes of obtaining high-cost support under subpart K or subpart M of this part the amount of Loop Plant Investment associated with a new construction project that exceeds the Maximum Average Per Location Construction Project Limitation for that project as determined by the Administrator according to the following formula:

* * * * *

[FR Doc. 2017–10099 Filed 5–18–17; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 82, No. 96
Friday, May 19, 2017

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0472; Directorate Identifier 2016–NM–148–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus Model A310–203, –221, –222, –304, –322, –324, and –325 airplanes. This proposed AD was prompted by an evaluation by the design approval holder (DAH) indicating that the wing bottom skin at the main landing gear (MLG) reinforcing plate is subject to widespread fatigue damage (WFD). This proposed AD would require a modification of the wing bottom skin at the MLG reinforcing plate. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 3, 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 Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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–2017–0472; 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 Operations 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: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

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–2017–0472; Directorate Identifier 2016–NM–148–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 based on those comments.

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

Discussion

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

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

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

In the context of WFD, this action is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur.

This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval), while providing operators with certainty regarding the LOV applicable to their airplanes.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2016–0170, dated August 19, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A310–203, –221, –222, –304, –322, –324, and –325 airplanes. The MCAI states:

In response to the FAA Part 26 rule, wing structural items of the Airbus A310 design that are deemed potentially susceptible to Widespread Fatigue Damage (WFD) have been assessed. The bottom skin at the main landing gear (MLG) reinforcing plate has been highlighted as an area susceptible to Multi Site Damage (MSD).

This condition, if not corrected, could reduce the structural integrity of the wing.

Airbus performed a detailed widespread fatigue damage tolerance analysis of the bottom skin at the MLG reinforcing plate, and concluded that a modification is necessary to the fastener holes at the inboard edge of the reinforcing plate forward of the rear spar. The modification consists of inspection [related investigative actions of a check and a rotating probe inspection] and a first oversize of the critical holes on the first two rows of fasteners [and corrective actions, *e.g.,* repair]. Airbus modification 13751 was introduced and Service Bulletin (SB) A310–57–2104 was issued to provide in-service modification instructions. The accomplishment of this modification at the specified time will recondition/renovate/extend the life of the fastener holes in the bottom skin at the MLG reinforcing plate and prevent the development of MSD up to the Extended Service Goal (ESG).

For the reasons described above, this [EASA] AD requires certain modifications to the wing bottom skin at the MLG reinforcing plate, forward of the wing rear spar [including related investigative actions of a check and a rotating probe inspection and corrective actions, *e.g.,* repair].

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–2017–0472.

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Service Bulletin A310–57–2104, dated December 15, 2015. The service information describes procedures for a modification of the left hand (LH) and right hand (RH) wing bottom skin at the MLG reinforcing plate, including related investigative actions and applicable corrective actions. 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 and Requirements of This 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 the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Explanation of Compliance Time

The compliance time for the replacement specified in this proposed AD for addressing WFD was established to ensure that discrepant structure is replaced before WFD develops in airplanes. Standard inspection techniques cannot be relied on to detect WFD before it becomes a hazard to flight. We will not grant any extensions of the compliance time to complete any AD-mandated service bulletin related to WFD without extensive new data that would substantiate and clearly warrant such an extension.

Costs of Compliance

We estimate that this proposed AD affects 8 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
Modification	52 work-hours × $85 per hour = $4,420	$12,000	$16,420	$131,360

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2017–0472; Directorate Identifier 2016–NM–148–AD.

(a) Comments Due Date

We must receive comments by July 3, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A310–203, –221, –222, –304, –322, –324, and –325 airplanes, certificated in any category, all manufacturer serial numbers.

(d) Subject

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

(e) Reason

This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the wing bottom skin at the main landing gear (MLG) reinforcing plate is subject to widespread fatigue damage (WFD). We are issuing this AD to prevent multi-site damage in the bottom skin at the MLG reinforcing plate, which could result in reduced structural integrity of the wing.

(f) Compliance

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

(g) Modification

Within the compliance times defined in table 1 to paragraph (g) of this AD, table 2 to paragraph (g) of this AD, or table 3 to paragraph (g) of this AD, as applicable to airplane type and utilization: Do a modification of the left-hand (LH) and right-hand (RH) wing bottom skin at the MLG reinforcing plate, including all related investigative actions and applicable corrective actions, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A310–57–2104, dated December 15, 2015, except as required by paragraph (h) of this AD. All related investigative and applicable corrective actions must be done before further flight. For purposes of this AD, the term ''short range'' applies to airplanes with an average flight time (AFT) lower than 1.5 flight hours (FH) per flight cycle, and the term ''long range'' applies to airplanes with an average flight time equal to or higher than 1.5 FH per flight cycle. For determining the ''short range'' and ''long range'' airplanes, the AFT is the total accumulated flight hours, counted from take-off to touch-down, divided by the total accumulated flight cycles at the effective date of this AD.

TABLE 1 TO PARAGRAPH (g) OF THIS AD—MODEL A310–200 SERIES AIRPLANES

	Compliance Time (whichever occurs later, A or B)
A	Before exceeding 28,800 flight cycles (FC) or 57,600 FH, whichever occurs first since first flight of the airplane.
B	Within 960 FC, or 1,920 FH, or 12 months, whichever occurs first after the effective date of this AD.

TABLE 2 TO PARAGRAPH (g) OF THIS AD—A310–300 ''SHORT-RANGE'' AIRPLANES

	Compliance Time (whichever occurs later, A or B)
A	Before exceeding 27,700 FC or 77,700 FH, whichever occurs first since first flight of the airplane.
B	Within 920 FC, or 2,580 FH, or 12 months, whichever occurs first after the effective date of this AD.

TABLE 3 TO PARAGRAPH (g) OF THIS AD—A310–300 ''SHORT-RANGE'' AIRPLANES

	Compliance Time (whichever occurs later, A or B)
A	Before exceeding 20,500 FC or 102,500 FH, whichever occurs first since first flight of the airplane.
B	Within 680 FC, or 3,420 FH, or 12 months, whichever occurs first after the effective date of this AD.

(h) Exception to Service Information Specifications

Where Airbus Service Bulletin A310–57–2104, dated December 15, 2015, specifies to contact Airbus for appropriate action, and specifies that action as ''RC'' (Required for Compliance): Before further flight, accomplish corrective actions in accordance with the procedures specified in paragraph (i)(2) of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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 International Branch, 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 Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (h) of this AD, if any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified 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 procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2016–0170, dated August 19, 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–2017–0472.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 10, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10032 Filed 5–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–7264; Directorate Identifier 2015–NM–185–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

SUMMARY: We are revising an earlier notice of proposed rulemaking (NPRM) for certain Airbus Model A330–200, –200 Freighter, and –300 series airplanes; and Model A340–500 and –600 series airplanes. This action revises the NPRM by including new inspection locations for certain airplanes, and removing incorrect part numbers. We are proposing this airworthiness directive (AD) to address the unsafe condition on these products. Since these actions impose an additional burden over those proposed in the NPRM, we are reopening the comment period to allow the public the chance to comment on these proposed changes.

DATES: The comment period for the NPRM published in the **Federal Register** on June 21, 2016 (81 FR 40201), is reopened.

We must receive comments on this SNPRM by July 3, 2017.

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

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

For service information identified in this SNPRM, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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–2016–7264; 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 SNPRM, 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: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149.

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–2016–7264; Directorate Identifier 2015–NM–185–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this SNPRM. We will consider all comments received by the closing date and may amend this SNPRM based on 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 SNPRM.

Discussion

We issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Model A330–200, –200 Freighter, and –300 series airplanes; and Model A340–500 and –600 series airplanes. The NPRM published in the **Federal Register** on June 21, 2016 (81 FR 40201) (''the NPRM''). The NPRM was prompted by a quality control review on the final assembly line, which determined that the wrong aluminum alloy was used to manufacture several structural parts. The NPRM proposed to require a one-time eddy current conductivity measurement of certain cabin and cargo compartment structural parts to determine if an incorrect aluminum alloy was used, and replacement of any affected part with a serviceable part.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2017–0021, dated February 8, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A330–200, –200 Freighter, and –300 series airplanes; and Model A340–500 and –600 series airplanes. The MCAI states:

> Following an Airbus quality control review on the final assembly line, it was discovered that wrong aluminum alloy was used to manufacture several structural parts.
>
> This condition, if not detected and corrected, could reduce the structural integrity of the aeroplane.
>
> To address this potential unsafe condition, Airbus published [Service Bulletin] (SB) A330–53–3261, SB A330–53–3262, and SB A340–53–5072, as applicable to aeroplane type/model, to provide instructions to identify the affected parts. Consequently, EASA issued AD 2015–0206 to require a one-time special detailed inspection (SDI) [eddy current conductivity measurements] of certain cabin and/or cargo compartment parts for material identification and, depending on findings, replacement with serviceable parts.

Since that [EASA] AD was issued, Airbus identified that the list of affected structural parts in SB A330–53–3261 was incorrect. Prompted by these findings, Airbus issued SB A330–53–3261 Revision 01 to introduce the new locations to be inspected and remove other parts not affected.

For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2015–0206, which is superseded, and expands the locations to be inspected.

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–2016–7264.

Related Service Information Under 1 CFR Part 51

We reviewed the following service information:

- Airbus Service Bulletin A330–53–3261, Revision 01, including Appendixes 01, 02, and 03, dated November 10, 2016.
- Airbus Service Bulletin A330–53–3262, including Appendixes 01 and 02, dated June 23, 2015.
- Airbus Service Bulletin A340–53–5072, including Appendixes 01 and 02, dated June 23, 2015.

The service information describes procedures for a one-time eddy current conductivity measurement of certain cabin and cargo compartment structural parts to determine if an incorrect aluminum alloy was used, and replacement of any affected part with a serviceable part. This service information is distinct since it applies to different parts on different airplanes. 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.

Comments

We gave the public the opportunity to participate in developing the NPRM. We considered the comments received.

Request To Change Compliance Time

American Airlines (AA) asked that we change the compliance time for the on-condition replacement specified in paragraph (h) of the proposed AD (in the NPRM) from ''before further flight'' to ''within 6 years after the effective date of the AD, or within 12 years from the aeroplane date of manufacture, whichever occurs first'' to correspond with the compliance time in the EASA AD. AA stated that this would provide more flexibility to operators in order to have a better plan to procure the parts and accomplish the replacement without extended downtime if the replacement parts are not immediately available after doing the inspection.

We agree with the commenter for the reasons provided. We have changed the compliance time specified in paragraph (h) of this proposed AD accordingly.

Request To Correct Typographical Error

AA asked that we correct a typographical error specified in the second box of Figure A–GFAAA, Sheet 02, ''Inspection Flowchart,'' of the service information identified in paragraphs (g)(2) and (g)(3) of the proposed AD (in the NPRM). AA stated that the conductivity measurement should specify Sigma 60 instead of Sigma 480.

We agree that the conductivity measurement specified in the second box of the specified inspection flowchart is incorrect. We have added paragraph (i) to this proposed AD to specify this exception to the inspection flowchart in the service information. We have redesignated subsequent paragraphs accordingly.

Additional Changes to This Proposed AD

As stated previously, we have revised this proposed AD to include new inspection locations for certain airplanes, and to remove incorrect part numbers from table 1 to paragraphs (g) and (h) of this proposed AD.

FAA's Determination and Requirements of This SNPRM

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 the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Certain changes described above expand the scope of the NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Costs of Compliance

We estimate that this proposed AD affects 37 airplanes of U.S. registry.

We also estimate that it would take about 17 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $53,465, or $1,445 per product.

In addition, we estimate that any on-condition repairs would take about 45 work-hours and would require parts costing $0, for a cost of $3,825 per product. We have no way of determining the number of aircraft that might need these repairs.

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 available 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.

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):

Airbus: Docket No. FAA–2016–7264; Directorate Identifier 2015–NM–185–AD.

(a) Comments Due Date

We must receive comments by July 3, 2017.

(b) Affected ADs

None.

(c) Applicability

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

(1) Airbus Model A330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes, manufacturer serial numbers identified in Airbus Service Bulletin A330–53–3261, Revision 01, dated November 10, 2016; and/or Airbus Service Bulletin A330–53–3262, dated June 23, 2015.

(2) Airbus Model A340–541 and –642 airplanes, manufacturer serial numbers 1030, 1040, 1079, 1091, 1102, and 1122.

(d) Subject

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

(e) Reason

This AD was prompted by a quality control review on the final assembly line, which determined that the wrong aluminum alloy was used to manufacture several structural parts. We are issuing this AD to detect and replace structural parts made of incorrect aluminum alloy. This condition could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) One-time Measurement

Except as provided by paragraph (i) of this AD: Within 6 years after the effective date of this AD, but not exceeding 12 years since the date of issuance of the original certificate of airworthiness or the date of issuance of the original export certificate of airworthiness; do a one-time eddy current conductivity measurement of the cabin and cargo compartment structural parts identified in the ''Affected Part Number'' column of table 1 to paragraphs (g) and (h) of this AD to determine if an incorrect aluminum alloy was used, in accordance with the Accomplishment Instructions of the applicable service information identified in paragraph (g)(1), (g)(2), or (g)(3) of this AD.

(1) For cargo compartment structural parts for Model A330 airplanes: Airbus Service Bulletin A330–53–3261, Revision 01, including Appendixes 01, 02, and 03, dated November 10, 2016.

(2) For cabin structural parts for Model A330 airplanes: Airbus Service Bulletin A330–53–3262, including Appendixes 01 and 02, dated June 23, 2015; except part number F5377004320300, which is located in the ''cabin'' area, but must be inspected in accordance with Airbus Service Bulletin A330–53–3261, Revision 01, including Appendixes 01, 02, and 03, dated November 10, 2016.

(3) For cargo compartment structural parts for Model A340 airplanes: Airbus Service Bulletin A340–53–5072, including Appendixes 01 and 02, dated June 23, 2015.

TABLE 1 TO PARAGRAPHS (g) AND (h) OF THIS AD—PARTS TO BE INSPECTED/INSTALLED

Affected part number	Acceptable replacement part number	Area
F5347126620600	F5347126620000	Cabin.
F5347126621000	F5347126620400	Cabin.
F5377004320300	F5377004320351	Cabin.
F5347170420400	F5347170420400	Cargo.
F5347170420600	F5347170420600	Cargo.
G5367131300000	G5367131300000	Cargo.
G5367173700000	G5367173700000	Cargo.
G5367173800000	G5367173800000	Cargo.

(h) Replacement

If during the inspection required by paragraph (g) of this AD, any affected part having a part number specified in table 1 to paragraphs (g) and (h) of this AD is found to have a measured value greater than that specified in Figure A–GFAAA, Sheet 02, ''Inspection Flowchart,'' of the applicable service information identified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD, except as provided by paragraph (i) of this AD: Within 6 years after the effective date of this AD, but not exceeding 12 years since the date of issuance of the original certificate of airworthiness or the date of issuance of the original export certificate of airworthiness, replace the affected part with an acceptable replacement part having a part number specified in table 1 to paragraphs (g) and (h) of this AD, in accordance with the Accomplishment Instructions of the applicable service information identified in paragraph (g)(1), (g)(2), or (g)(3) of this AD.

(i) Exception to Certain Service Information

Where Figure A–GFAAA, Sheet 02, ''Inspection Flowchart,'' of the service information identified in paragraphs (g)(2) and (g)(3) of this AD specifies to ''do the conductivity (σ) measurement with 60kHz (refer to Appendix 01) σ480 = ____ MS/m,'' the correct conductivity measurement is ''σ60 = ____ MS/m.''

(j) Additional Inspection for Certain Airplanes

For Model A330 airplanes on which the inspection and replacement, as applicable, specified in paragraphs (g) and (h) of this AD were done before the effective date of this AD, in accordance with Airbus Service Bulletin A330–53–3261, dated June 23, 2015: Within 6 years after the effective date of this AD, but not exceeding 12 years since the date of issuance of the original certificate of airworthiness or the date of issuance of the original export certificate of airworthiness, do a one-time eddy current conductivity measurement of structural parts having part number (P/N) G5367131300000, P/N G5367173700000, and P/N G5367173800000, located in fuselage section 15, in accordance with the ''Additional Work'' section of the Accomplishment Instructions of Airbus Service Bulletin A330–53–3261, Revision 01, including Appendixes 01, 02, and 03, dated November 10, 2016.

(k) Replacement

If during the inspection required by paragraph (j) of this AD, any affected part having a part number specified in paragraph (j) of this AD is found to have a measured value greater than that specified in Figure A–GFAAA, Sheet 02, ''Inspection Flowchart,'' of Airbus Service Bulletin A330–53–3261, Revision 01, including Appendixes 01, 02, and 03, dated November 10, 2016: Within 6 years after the effective date of this AD, but not exceeding 12 years since the date of issuance of the original certificate of airworthiness or the date of issuance of the original export certificate of airworthiness, replace the affected part with an acceptable replacement part having a part number specified in table 1 to paragraphs (g) and (h) of this AD, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–53–3261, Revision 01, including Appendixes 01, 02, and 03, dated November 10, 2016.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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 Branch, send it to the person identified in paragraph (m)(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 Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified 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 procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2017–0021, dated February 8, 2017, 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–2016–7264.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 8, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10035 Filed 5–18–17; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–6429; Directorate Identifier 2015–NM–117–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

SUMMARY: We are revising an earlier notice of proposed rulemaking (NPRM) to supersede Airworthiness Directive (AD) 2015–05–02, which applies to all Airbus Model A318, A319, A320–211, –212, –214, –231, –232, and –233, and A321 series airplanes. This action revises the NPRM by proposing to require revising the maintenance or inspection program to incorporate new or revised structural inspection requirements and adding airplanes to the applicability. We are proposing this AD to address the unsafe condition on these products. Since these actions impose an additional burden over that proposed in the NPRM, we are reopening the comment period to allow the public the chance to comment on these proposed changes.

DATES: The comment period for the NPRM published in the **Federal Register** on May 11, 2016 (81 FR 29198), is reopened.

We must receive comments on this SNPRM by July 3, 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 SNPRM, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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–2016–6429; 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 SNPRM, 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: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

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–2016–6429; Directorate Identifier 2015–NM–117–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this SNPRM. We will consider all comments received by the closing date and may amend this SNPRM 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 SNPRM.

Discussion

On February 25, 2015, we issued AD 2015–05–02, Amendment 39–18112 (80 FR 15152, March 23, 2015) (''AD 2015–05–02''). AD 2015–05–02 requires actions intended to address an unsafe condition on all Airbus Model A318, A319, A320–211, –212, –214, –231, –232, and –233, and A321 series airplanes.

We issued an NPRM to amend 14 CFR part 39 by adding an AD to supersede AD 2015–05–02 that would apply to

certain Airbus Model A318, A319, A320–211, –212, –214, –231, –232, and –233, and A321 series airplanes. The NPRM published in the **Federal Register** on May 11, 2016 (81 FR 29198) (''the NPRM''). The NPRM was prompted by an evaluation by the design approval holder (DAH) which indicates that principal structural elements and certain life-limited parts are subject to widespread fatigue damage (WFD). The NPRM proposed to require revising the maintenance or inspection program, as applicable, to incorporate new or revised structural inspection requirements.

Actions Since the NPRM Was Issued

Since we issued the NPRM, the manufacturer has issued more restrictive airworthiness limitations and added Model A320–251N and -271N airplanes to the applicability.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2016–0239, dated December 2, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition. The MCAI states:

The airworthiness limitations for Airbus A320 family aeroplanes are currently included in Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) documents. The Damage Tolerant Airworthiness Limitation Items are published in ALS Part 2, approved by EASA.

The instructions contained in the ALS Part 2 have been identified as mandatory actions for continued airworthiness. Failure to comply with these instructions could result in an unsafe condition.

Previously, EASA issued AD 2015–0083 to require accomplishment of all maintenance tasks as described in ALS Part 2 at Revision 03. Since that [EASA] AD was issued, Airbus issued Revision 04, and later on Revision 05 of the ALS Part 2, including new and/or more restrictive items, and new A320 models were certified.

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2015–0083, which is superseded, expands the Applicability by adding the models A320–251N and A320–271N, requires accomplishment of all maintenance tasks as described in the ALS Part 2, Revision 05 (hereafter referred to as 'the ALS' in this [EASA] AD), and provides specific compliance times for ALS task 572021–01–1 (Wide Spread Fatigue Damage related).

The required action is revising the maintenance or inspection program to incorporate new or revised structural inspection requirements. The unsafe condition is fatigue cracking, accidental damage, or corrosion in principal structural elements, and WFD, which could result in reduced structural integrity of the airplane. 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–2016–6429.

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information.

- A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 1—Safe Life—Airworthiness Limitation Items (SL—ALI), Revision 04, dated June 20, 2016. This service information describes mandatory instructions and airworthiness limitations for the ''safe-life'' structure.
- A318/A319/A320/A321 ALS Part 2—Damage-Tolerant—Airworthiness Limitation Items (DT—ALI), Revision 05, dated July 8, 2016. This service information describes mandatory instructions and airworthiness limitations arising from fatigue and damage tolerance evaluation of damage tolerant structural elements.

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.

Comments

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

Requests To Specify Revised Service Information

Airbus requested that we revise the NPRM to specify the latest ALS Part 1 document, which is currently Airbus A318/A319/A320/A321 ALS Part 1 SL—ALI, Revision 03, dated February 22, 2016. Airbus and United Airlines (UAL) requested that we revise the NPRM to specify Revision 05 of Airbus A318/A319/A320/A321 ALS Part 2—DT—ALI, which is expected to be published soon.

We agree with the commenters' requests. We have reviewed the latest ALS documents: Airbus A318/A319/A320/A321 ALS Part 1—SL—ALI, Revision 04, dated June 20, 2016; and Airbus A318/A319/A320/A321 ALS Part 2—DT—ALI, Revision 05, dated July 8, 2016.

We have added paragraph (j) to this proposed AD to specify that the incorporation of Airbus A318/A319/A320/A321 ALS Part 1—SL—ALI, Revision 04, dated June 20, 2016, is a method of compliance for the requirements of paragraph (g)(1) of this proposed AD. We have redesignated subsequent paragraphs accordingly.

We have also revised paragraph (i) of this proposed AD to specify incorporation of Airbus A318/A319/A320/A321 ALS Part 2—DT—ALI, Revision 05, dated July 8, 2016.

Request To Allow Repair Design Approval Sheets (RDAS)

UAL requested that we allow the instructions for continued airworthiness (ICA) defined in Airbus/EASA-approved RDAS as an acceptable adaptation to an ALI task for the affected repair location in lieu of obtaining approval of an FAA alternative method of compliance (AMOC). UAL stated that paragraph (j) of the proposed AD (in the NPRM) (referred to as paragraph (k) of this proposed AD (in the SNPRM)) prohibits alternative action(s), including inspections and/or intervals, unless approved by an AMOC.

We do not agree with UAL's request. 14 CFR part 39.17 states that if a change in a product affects an operator's ability to accomplish the actions required by the airworthiness directive in any way, the operator must request FAA approval of an AMOC. For approval of an AMOC, the operator must provide evidence that the change will eliminate the unsafe condition or include the specific proposed actions to address the unsafe condition. An operator can submit a RDAS as substantiation to support a request for an AMOC in accordance with the procedures specified in paragraph (l)(1) of this proposed AD. We have not changed this proposed AD in this regard.

Request for Repair Policy Clarification

UAL requested that we clarify the repairs required by the proposed AD. UAL explained that paragraph 5.3 of Airbus A318/A319/A320/A321 ALS Part 2, DT—ALI, Revision 04, dated December 18, 2015, states that operators must follow the structural repair manual or RDAS in case of damage or repairs. UAL stated that it is not certain that this provision provides authority to incorporate the adapted ICA for the repairs without requesting approval of an FAA AMOC.

We agree that clarification is necessary. AMOCs are not required to address findings from the required ALS inspection because the AD does not mandate corrective actions. An AMOC is only required if there are deviations from the ALS inspection method or interval. Operators of U.S.-registered airplanes are required by general airworthiness and operational regulations to perform maintenance using methods that are acceptable to the

FAA. We have not changed this proposed AD in this regard.

FAA's Determination and Requirements of This SNPRM

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 the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of these same type designs.

Certain changes described above expand the scope of the NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Costs of Compliance

We estimate that this proposed AD affects 1,182 airplanes of U.S. registry.

The actions required by AD 2015–05–02, and retained in this proposed AD, take about 2 work-hours per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that are required by AD 2015–05–02 is $170 per product.

We also estimate that it will take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $200,940, or $170 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2015–05–02, Amendment 39–18112 (80 FR 15152, March 23, 2015), and adding the following new AD:

Airbus: Docket No. FAA–2016–6429; Directorate Identifier 2015–NM–117–AD.

(a) Comments Due Date

We must receive comments by July 3, 2017.

(b) Affected ADs

This AD replaces AD 2015–05–02, Amendment 39–18112 (80 FR 15152, March 23, 2015) (''AD 2015–05–02'').

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1) through (c)(4) of this AD, certificated in any category, with an original certificate of airworthiness or original export certificate of airworthiness issued on or before July 8, 2016.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, and –271N airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 05, Periodic Inspections.

(e) Reason

This AD was prompted by an evaluation by the design approval holder which indicates that principal structural elements and certain life-limited parts are subject to widespread fatigue damage (WFD). We are issuing this AD to prevent fatigue cracking, accidental damage, or corrosion in principal structural elements, and WFD, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Maintenance or Inspection Program Revision, With No Changes

This paragraph restates the requirements of paragraph (n) of AD 2015–05–02, with no changes. Within 30 days after March 2, 2015 (the effective date of AD 2014–23–15, Amendment 39–18031 (80 FR 3871, January 26, 2015) (''AD 2014–23–15'')), revise the maintenance or inspection program, as applicable, to incorporate the Airworthiness Limitation Items (ALIs) specified in paragraphs (g)(1) and (g)(2) of this AD. The initial compliance time for accomplishing the actions is at the applicable time identified in the ALIs specified in paragraphs (g)(1) and (g)(2) of this AD; or within 4 months after March 2, 2015 (the effective date of AD 2014–23–15); whichever occurs later.

(1) Airbus A318/A319/A320/A321 ALS Part 1—Safe Life Airworthiness Limitation Items, Revision 02, dated May 13, 2011.

(2) Airbus A318/A319/A320/A321 ALS Part 2—Damage-Tolerant Airworthiness Limitation Items (DT ALI), Revision 02, dated May 28, 2013.

(h) Retained Limitation: No Alternative Actions, Intervals, and/or Critical Design Configuration Control Limitations (CDCCLs), With an Exception

This paragraph restates the requirements of paragraph (o) of AD 2015–05–02, with an exception. Except as specified in paragraph (i) or (j) of this AD, as applicable, after accomplishing the revision required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), intervals, and/or CDCCLs may be used unless the actions, intervals, and/or CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (l)(1) of this AD.

(i) New Maintenance or Inspection Program Revision

Within 60 days after the effective date of this AD, revise the maintenance or inspection

program, as applicable, to incorporate the ALIs specified in Airbus A318/A319/A320/A321 ALS Part 2, Damage Tolerant Airworthiness Limitation Items (DT—ALI), Revision 05, dated July 8, 2016. The initial compliance time for accomplishing the actions is at the applicable time identified in the ALIs specified in

Airbus A318/A319/A320/A321 ALS Part 2, DT—ALI, Revision 05, dated July 8, 2016, without exceeding the inspection intervals in the ALIs specified in the service information identified in paragraph (g)(2) of this AD. Accomplishing this action terminates the requirements of paragraph (g)(2) of this AD.

(j) New Method of Compliance for Maintenance or Inspection Program Revision

Revising the maintenance or inspection program, as applicable, to incorporate the ALIs specified in Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 1—Safe Life Airworthiness Limitation Items (SL—ALI), Revision 04, dated June 20, 2016, is a method of compliance for the actions required by paragraph (g)(1) of this AD. The initial compliance time for accomplishing the actions is at the applicable time identified in the ALIs specified in Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 1—Safe Life Airworthiness Limitation Items (SL—ALI), Revision 04, dated June 20, 2016, without exceeding the inspection intervals in the ALIs specified in the service information identified in paragraph (g)(1) of this AD. Accomplishing this action terminates the requirements of paragraph (g)(1) of this AD.

(k) New No Alternative Actions and/or Intervals

After accomplishing the revision required by paragraph (i) or specified in paragraph (j) of this AD, no alternative actions (*e.g.,* inspections) and/or intervals may be used unless the actions and/or intervals are approved as an AMOC in accordance with the procedures specified in paragraph (l)(1) of this AD.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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 Branch, send it to the attention of the person identified in paragraph (m)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

(i) 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.

(ii) AMOCs approved previously for AD 2015–05–02, are approved as AMOCs for the corresponding provisions of paragraphs (g) and (h) of this AD.

(2) *Contacting the Manufacturer:* As of the effective date of this AD, 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 Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2016–0239, dated December 2, 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–2016–6429.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

(3) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 8, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10034 Filed 5–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0481; Directorate Identifier 2016–NM–196–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., 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 Bombardier, Inc., Model BD–100–1A10 airplanes. This proposed AD was prompted by reports of low clearance in the aft equipment bay between auxiliary power unit (APU) generator power cables and a hydraulic line, which can cause damage to wire insulation. This proposed AD would require an inspection of the APU generator power cables and the adjacent hydraulic line for damage, and repair, if necessary; and modification of the APU generator power cable installation. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 3, 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 Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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–2017–0481; 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 Operations 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: Assata Dessaline, Aerospace Engineer, Avionics and Services Branch, ANE–172, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart

Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7301; fax 516–794–5531.

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–2017–0481; Directorate Identifier 2016–NM–196–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 based on those comments.

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

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2016–28, dated September 28, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model BD–100–1A10 airplanes. The MCAI states:

> Low clearance between the APU generator power cables and a hydraulic return line was found in the Aft Equipment Bay (AEB) on some aeroplanes in service. Absence of clearance can cause damage to the insulation of the wire, which can lead to a fault in the APU electrical system or arcing with the metallic hydraulic return line and could cause a fire in the AEB.
>
> This [Canadian] AD is issued to mandate an [general visual] inspection [for damage] of the APU generator power cables and the hydraulic return line, [and repair, if necessary] and a modification of the clamp arrangement to give sufficient clearance between the power cables and the hydraulic return line.

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–2017–0481.

Related Service Information Under 1 CFR Part 51

We reviewed Bombardier Service Bulletin 100–24–28, dated July 27, 2016, and Bombardier Service Bulletin 350–24–003, dated July 27, 2016. The service information describes procedures for the inspection of the APU generator power cables and the adjacent hydraulic line for damage, and repair, if necessary; and modification of the APU generator power cable installation. These documents are distinct since they apply to different configurations of this model. 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 and Requirements of This 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 the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an 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 affects 162 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
Inspect and modify cables	1 work-hour × $85 per hour = $85	(1)	$85	$13,770

[1] We have received no definitive data that would enable us to provide cost estimates for the parts cost associated with the modification specified in this proposed AD.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair	Up to 5 work-hours × $85 per hour = $425	(1)	$425

[1] We have received no definitive data that would enable us to provide cost estimates for the parts cost associated with the repair specified in this proposed AD.

According to the manufacturer, all 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.

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):

Bombardier, Inc.: Docket No. FAA–2017–0481; Directorate Identifier 2016–NM–196–AD.

(a) Comments Due Date

We must receive comments by July 3, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–100–1A10 airplanes, certificated in any category, serial numbers 20003 through 20635 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 24, Electrical power.

(e) Reason

This AD was prompted by reports of low clearance in the aft equipment bay between auxiliary power unit (APU) generator power cables and a hydraulic line, which can cause damage to wire insulation. We are issuing this AD to prevent electrical arcing from power cables, which could cause a fire in the aft equipment bay.

(f) Compliance

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

(g) Inspection of APU Generator Power Cables and Hydraulic Line, Repairs, and Modification

Within 24 months after the effective date of this AD, do the applicable actions required by paragraph (g)(1) or (g)(2) of this AD.

(1) For airplanes having serial numbers 20003 through 20500 inclusive: Do a general visual inspection of the APU generator power cables and the adjacent hydraulic line for damage, and do all applicable repairs; and modify the APU generator power cable installation; in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 100–24–28, dated July 27, 2016, except as required by paragraph (h) of this AD. Do all applicable repairs before further flight.

(2) For airplanes having serial numbers 20501 through 20635 inclusive: Do a general visual inspection of the APU generator power cables and the adjacent hydraulic line for damage, and do all applicable repairs; and modify the APU generator power cable installation; in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 350–24–003, dated July 27, 2016, except as required by paragraph (h) of this AD. Do all applicable repairs before further flight.

(h) Exception to the Service Information

Where Bombardier Service Bulletin 100–24–28, dated July 27, 2016, and Bombardier Service Bulletin 350–24–003, dated July 27, 2016, specify to contact the manufacturer for repair, before further flight, repair using a method approved by the Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO).

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO, ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 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, ANE–170, FAA; or TCCA; or Bombardier, Inc.'s TCCA DAO. If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2016–28, dated September 28, 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–2017–0481.

(2) For more information about this AD, contact Assata Dessaline, Aerospace Engineer, Avionics and Services Branch, ANE–172, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7301; fax 516–794–5531.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 12, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10133 Filed 5–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0340; Directorate Identifier 2017–NM–002–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 757–200, –200PF, and –300 series airplanes. This proposed AD was prompted by reports

of cracking found at a certain fuselage frame inner chord. This proposed AD would require repetitive inspections for any cracking of a certain fuselage frame inner chord; for certain airplanes, an identification of the material of a certain fuselage frame inner chord; and applicable corrective actions. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 3, 2017.

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

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0340.

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–2017–0340; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Muoi Vuong, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5205; fax: 562–627–5210; email: *Muoi.Vuong@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–2017–0340; Directorate Identifier 2017–NM–002–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We have received a report indicating that an operator found a 0.406-inch-long crack in the fuselage station (STA) 1380 frame inner chord, originating from a fastener hole between fuselage stringers S–25R and S–26R. The crack was found during frame web corrosion removal on an airplane with a 7075–T73 aluminum alloy at the fuselage STA 1380 frame inner chord. Boeing received five other reports of cracking on airplanes with a 7075–T73 aluminum alloy at the fuselage STA 1380 frame inner chord. Boeing has determined that existing internal zonal general visual and detailed structural inspections of the number 2 cargo door cutout are not adequate to reliably detect a crack before it grows to a critical length. This condition, if not corrected, could result in the door opening during flight, and result in rapid decompression of the airplane and the inability to sustain loads required for continued safe flight and landing.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 757–53A0101, dated November 8, 2016. The service information describes procedures for repetitive surface high frequency eddy current (HFEC) inspections for any cracking of the fuselage STA 1380 frame inner chord; an identification of the material (an inspection or measurement) of the fuselage STA 1380 frame inner chord; and applicable corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information.'' For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–20++–+++++.

The phrase ''corrective actions'' is used in this proposed AD. Corrective actions correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Differences Between This Proposed AD and the Service Information

Boeing Alert Service Bulletin 757–53A0101, dated November 8, 2016, specifies to contact the manufacturer for certain instructions, but this proposed AD would require using repair methods, modification deviations, and alteration deviations in one of the following ways:

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

Costs of Compliance

We estimate that this proposed AD affects 588 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
Surface HFEC inspection	5 work-hours × $85 per hour = $425 per inspection cycle.	$0	$425 per inspection cycle	$249,900 per inspection cycle.
Identify the material	Up to 2 work-hours × $85 per hour = $170.	0	Up to $170	Up to $99,960.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2017–0340; Directorate Identifier 2017–NM–002–AD.

(a) Comments Due Date

We must receive comments by July 3, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 757–200, –200PF, and –300 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 757–53A0101, dated November 8, 2016.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of cracking found at the fuselage station (STA) 1380 frame inner chord. We are issuing this AD to detect and correct such cracks, which could result in the door opening during flight, and result in rapid decompression of the airplane and the inability to sustain loads required for continued safe flight and landing.

(f) Compliance

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

(g) Inspection for Group 1 Airplanes

For Group 1 airplanes as identified in Boeing Alert Service Bulletin 757–53A0101, dated November 8, 2016: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 757–53A0101, dated November 8, 2016; except as specified in paragraph (i)(1) of this AD, do a surface high frequency eddy current (HFEC) inspection for any cracking of the fuselage STA 1380 frame inner chord, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 757–53A0101, dated November 8, 2016; except as specified in paragraph (i)(2) of this AD. Do all applicable corrective actions before further flight. Repeat the surface HFEC inspection, thereafter, at the times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 757–53A0101, dated November 8, 2016.

(h) Inspection for Group 2 Airplanes

For Group 2 airplanes as identified in Boeing Alert Service Bulletin 757–53A0101, dated November 8, 2016: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 757–53A0101, dated November 8, 2016; except as specified in paragraph (i)(1) of this AD, identify the material of the fuselage STA 1380 frame inner chord, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 757–53A0101, dated November 8, 2016.

(1) *If the fuselage STA 1380 frame inner chord material 2024–T42 aluminum alloy is found during any identification required by paragraph (h) of this AD:* No further action is required by this AD for that airplane.

(2) *If the fuselage STA 1380 frame inner chord material 7075–T73 aluminum alloy is found during any identification required by paragraph (h) of this AD:* Before further flight, do a surface HFEC inspection for any cracking of the fuselage STA 1380 frame inner chord, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 757–53A0101, dated November 8, 2016; except as specified in paragraph (i)(2) of this AD. Do all applicable corrective actions before further flight. Repeat the surface HFEC inspection, thereafter, at the times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 757–53A0101, dated November 8, 2016.

(i) Exceptions to the Service Information

(1) Where Boeing Alert Service Bulletin 757–53A0101, dated November 8, 2016, specifies a compliance time ''after the original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) *Where Boeing Alert Service Bulletin 757–53A0101, dated November 8, 2016, specifies to contact Boeing for appropriate action and identifies that action as ''RC'' (Required for Compliance):* Before further flight, repair the crack using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) *Except as required by paragraph (i)(2) of this AD:* For service information that contains steps that are labeled as 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 Muoi Vuong, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5205; fax: 562–627–5210; email: *Muoi.Vuong@faa.gov.*

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

Issued in Renton, Washington, on May 10, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10033 Filed 5–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0476; Directorate Identifier 2016–NM–110–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2014–08–01, for all Airbus Model A318, A319, A320, and A321 series airplanes. AD 2014–08–01 currently requires an inspection for part numbers of the interconnecting struts and, for affected interconnecting struts, identification of the part and serial numbers of the associated target and proximity sensors and replacement or re-identification of the flap interconnecting strut if necessary. Since we issued AD 2014–08–01, we have determined that certain airplanes must be inspected to verify the interconnecting strut part number. This proposed AD would add airplanes to the applicability. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 3, 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 Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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–2017–0476; 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 Operations 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: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–1405; fax 425–227–1149.

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–2017–0476; Directorate Identifier 2016–NM–110–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 based on those comments.

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

Discussion

On April 7, 2014, we issued AD 2014–08–01, Amendment 39–17825 (79 FR 23900, April 29, 2014) (''AD 2014–08–01''), for all Airbus Model A318, A319, A320, and A321 series airplanes. AD 2014–08–01 superseded AD 2014–03–08, Amendment 39–17745 (79 FR 9398, February 19, 2014) (''AD 2014–03–08''). AD 2014–08–01 was prompted by a report that an investigation showed that when a certain combination of target/proximity sensor serial numbers is installed on a flap interconnecting strut, a ''target FAR'' signal cannot be detected when it reaches the mechanical end stop of the interconnecting strut. AD 2014–08–01 requires an inspection to determine the part number of the interconnecting struts installed on the wings, identifying the part number and the serial number of the associated target and proximity sensor if applicable, and replacing or re-identifying the flap interconnecting strut if applicable. We issued AD 2014–08–01 to correct the definition of a serviceable interconnecting strut.

Since we issued AD 2014–08–01, we received a report that airplanes were delivered with pre-modification 27956 part number installed on the flap interconnecting strut(s), but declared to be in post-modification configuration in the Aircraft Inspection Report. We have determined that certain airplanes must be inspected to verify the interconnecting strut part number.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2016–0113, dated June 15, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A318, A319, A320, and A321 series airplanes. The MCAI states:

> The flap interconnecting strut is a safety device of the High Lift System which acts as an alternative load path from one flap surface to another in case of a flap drive system disconnection. In such a failure case, the installed proximity sensors provide information to the slat flap control computer (SFCC) and the operation of the flap drive system is inhibited.
>
> An engineering investigation showed that, when a certain combination of target/sensor serial number (s/n) is installed on a flap interconnecting strut, a ''target FAR'' signal cannot be detected when reaching the mechanical end stop of the interconnecting strut.
>
> This condition, if not corrected, could cause a flap down drive disconnection to remain undetected, due to an already-failed interconnecting strut sensor, potentially resulting in asymmetric flap panel movement and consequent loss of control of the aeroplane.
>
> To address this potential unsafe condition, Airbus issued Service Bulletin (SB) A320–27–1206 and SB A320–57–1164, to provide identification and replacement instructions for struts that have a certain target/sensor s/n combination installed. Aeroplanes on which modification (mod) 27956 had been accomplished in production were identified as not affected by the unsafe condition. Consequently, EASA issued [EASA] AD 2012–0012 [which corresponds to FAA AD 2014–03–08] to require accomplishment of these inspections and corrective actions.
>
> Since that [EASA] AD was issued, Airbus has informed EASA about a batch of aeroplanes that were delivered with pre-mod 27956 Part Number (P/N) flap interconnecting strut(s) installed, but declared to be in post-mod configuration in the Aircraft Inspection Report. Airbus SB A320–57–1202 has been issued to provide instructions to verify the interconnecting strut P/N, and to update aircraft documentation.
>
> In addition, to ensure that all pre-mod parts are checked and corrected as required, SB A320–27–1206 was revised to include a wider range of P/N of affected interconnecting struts.
>
> For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2012–0012, which is superseded, expands the Applicability, changes the compliance time and requires an additional inspection for aeroplanes that have already been inspected.

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–2017–0476.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A320–27–1206, Revision 02, dated November 2, 2015. The service information describes an inspection to determine the part number of the installed interconnecting struts and the part number and serial number of the associated target and proximity sensor, and replacement and re-identification of the interconnecting struts. 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 and Requirements of This 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 the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of these same type designs.

Costs of Compliance

We estimate that this proposed AD affects 1,032 airplanes of U.S. registry.

The actions required by AD 2014–08–01, and retained in this proposed AD, take about 8 work-hours per product, at an average labor rate of $85 per work-hour. Required parts cost about $0 per product. Based on these figures, the estimated cost of the actions that are required by AD 2014–08–01 is $680 per product.

We also estimate that it would take about 15 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 $0 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $1,315,800, or $1,275 per product.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

responsibilities among the various levels of government.

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2014–08–01, Amendment 39–17825 (79 FR 23900, April 29, 2014), and adding the following new AD:

Airbus: Docket No. FAA–2017–0476; Directorate Identifier 2016–NM–110–AD.

(a) Comments Due Date

We must receive comments by July 3, 2017.

(b) Affected ADs

This AD replaces AD 2014–08–01, Amendment 39–17825 (79 FR 23900, April 29, 2014) (''AD 2014–08–01'').

(c) Applicability

This AD applies to Airbus Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes; certificated in any category; all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Reason

This AD was prompted by a report that an investigation showed that when a certain combination of a target/proximity sensor serial numbers is installed on a flap interconnecting strut, a ''target FAR'' signal cannot be detected when reaching the mechanical end stop of the interconnecting strut. We are issuing this AD to detect and correct a latent failure of the flap down drive disconnection due to an already-failed interconnecting strut sensor, which could result in asymmetric flap panel movement and consequent loss of control of the airplane.

(f) Compliance

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

(g) Retained Inspection to Determine the Part Number of the Interconnecting Struts, With Revised Service Information

This paragraph restates the requirements of paragraph (g) of AD 2014–08–01, with revised service information. Within 8,000 flight hours after March 26, 2014 (the effective date of AD 2014–03–08, Amendment 39–17745 (79 FR 9398, February 19, 2014) (''AD 2014–03–08'')), inspect to determine the part number of the interconnecting struts installed on both the left-hand (LH) and right-hand (RH) wings of the airplane, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–27–1206, Revision 01, dated October 10, 2011; or Airbus Service Bulletin A320–27–1206, Revision 02, dated November 2, 2015. A review of the airplane maintenance records is acceptable for determining the part number of the installed interconnecting struts, in lieu of the inspection, if the part number of the installed interconnecting struts, and the part number and the serial number of the associated target and proximity sensor, can be conclusively determined from that review. Accomplishment of the requirements of paragraph (i) of this AD terminates the requirements of this paragraph.

(1) Airplanes on which Airbus Modification 27956 has been embodied in production, and on which no interconnecting strut has been replaced with a strut having a part number specified in figure 1 to paragraphs (g) and (h) of this AD since the airplane's first flight: No further work is required by paragraph (g) of this AD.

(2) If, during the inspection required by paragraph (g) of this AD, any interconnecting strut is installed with a part number specified in figure 1 to paragraphs (g) and (h) of this AD: Within 8,000 flight hours after March 26, 2014 (the effective date of AD 2014–03–08), determine the part number and the serial number of the associated target and proximity sensor.

(i) For airplanes having conditions specified in paragraphs (g)(2)(i)(A), (g)(2)(i)(B), (g)(2)(i)(C), and (g)(2)(i)(D) of this AD: Before further flight, replace the interconnecting strut with a serviceable unit, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–27–1206, Revision 01, dated October 10, 2011; or Airbus Service Bulletin A320–27–1206, Revision 02, dated November 2, 2015. For the purposes of paragraph (g) of this AD, a serviceable interconnecting strut is a unit which has been determined to be in compliance with the requirements of paragraph (g) of this AD.

(A) A target part number (P/N) ABS0121–13 or P/N 8–536–01; and

(B) A target serial number lower than 1600, or a target serial number that is unreadable; and

(C) A proximity sensor having P/N ABS0121–31 or P/N 8–372–04; and

(D) A proximity sensor having a serial number between C59198 and C59435, or a serial number (S/N) C500000 or higher.

(ii) For a target having S/N 1600 or higher and target P/N ABS0121–13 or P/N 8–536–01: Within 8,000 flight hours after March 26, 2014 (the effective date of AD 2014–03–08), re-identify the interconnecting strut, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–27–1206, Revision 01, dated October 10, 2011; or Airbus Service Bulletin A320–27–1206, Revision 02, dated November 2, 2015.

FIGURE 1 TO PARAGRAPHS (g) AND (h) OF THIS AD—INTERCONNECTING STRUT PART NUMBERS

Interconnecting strut part numbers
D5757030500000
D5757030500100
D5757030500200
D5757030500600
D5757030500800
D5757030501000
D5757030501200
D5757032200000

(h) Retained Parts Installation Prohibition, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2014–08–01, with no changes. As of March 26, 2014 (the effective date of AD 2014–03–08), no person may install an interconnecting strut with a part number specified in figure 1 to paragraphs (g) and (h) of this AD, on any airplane, except for parts identified in paragraph (g)(2)(ii) of this AD, provided that the actions in paragraph (g)(2)(ii) are done. As of the effective date of this AD, comply with the requirements of paragraph (l) of this AD in lieu of the requirements of this paragraph.

(i) New Requirements of This AD: Inspection To Determine the Part Number of the Interconnecting Struts and the Associated Target and Proximity Sensor

Within 24 months after the effective date of this AD, accomplish the actions specified in paragraphs (i)(1) and (i)(2) of this AD, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–27–1206, Revision 02, dated November 2, 2015. Accomplishment of the actions specified in this paragraph terminates the requirements of paragraph (g) of this AD.

(1) Inspect to determine the part number of the interconnecting struts installed on both the LH and RH wings on the airplane.

(2) If an interconnecting strut is installed with a part number specified in figure 2 to paragraphs (i)(2), (k), and (l) of this AD, identify the part number and the serial number of the associated target and

proximity sensor; and for the target and proximity sensor part number and serial number combination specified in paragraph (j) of this AD, within the compliance times specified in paragraph (j) of this AD, do the actions specified in paragraph (j) of this AD for that interconnecting strut.

FIGURE 2 TO PARAGRAPHS (i)(2), (k), AND (l) OF THIS AD—AFFECTED INTERCONNECTING STRUTS

[XXX signifies any alpha-numeric combination. It may be possible to find units with only XX]

D57570305000XXX
D57570305001XXX
D57570305002XXX
D57570305006XXX
D57570305008XXX
D57570305010XXX
D57570305012XXX
D57570322000XXX

(j) New Requirements of This AD: Replacement or Reidentification

(1) If the target serial number is lower than 1600 or is unreadable, and the proximity sensor part number is P/N ABS0121–31 or P/N 8–372–04 with a serial number between S/N C59198 and C59435, or S/N C500000 or higher: Before further flight, do the actions required by paragraph (j)(1)(i) or (j)(1)(ii) of this AD. For the purposes of paragraph (j) of this AD, a serviceable interconnecting strut is a unit which has been determined to be in compliance with the requirements of paragraphs (i) and (j) of this AD.

(i) Replace the interconnecting strut with a serviceable unit, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–27–1206, Revision 02, dated November 2, 2015.

(ii) Do a general visual inspection of the flap down drive to detect discrepancies, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–27–1206, Revision 02, dated November 2, 2015.

(A) If no discrepancy is found, within 50 flight cycles after the inspection, replace the interconnecting strut with a serviceable unit, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–27–1206, Revision 02, dated November 2, 2015.

(B) If any discrepancy is found, before further flight, replace the interconnecting strut with a serviceable unit, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–27–1206, Revision 02, dated November 2, 2015.

(2) If the target serial number is 1600 or higher (with any proximity sensor part number and serial number): Within 24 months after the effective date of this AD, re-identify the interconnecting strut, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–27–1206, Revision 02, dated November 2, 2015.

(k) Additional Provisions of This AD

(1) Airplanes on which Airbus Modification 27956 has been embodied in production, and on which no interconnecting strut with a part number identified in figure 2 to paragraphs (i)(2), (k), and (l) of this AD is installed since the airplane's first flight, are not affected by the requirements of paragraph (i) of this AD, except for those manufacturer serial numbers specified in figure 3 to paragraph (k)(1) of this AD. Airplanes having manufacturer serial numbers specified in figure 3 to paragraph (k)(1) of this AD are affected by the requirements of paragraph (i) of this AD.

(2) For an airplane that has already been inspected before the effective date of this AD as specified in the Accomplishment Instructions of Airbus Service Bulletin A320–27–1206, dated January 28, 2011; or Revision 1, dated October 10, 2011: Within the compliance time specified in paragraph (i) of this AD, accomplish the additional work specified in and in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–27–1206, Revision 2, dated November 2, 2015, unless it is determined that no interconnecting strut with a part number specified in figure 2 to paragraphs (i)(2), (k), and (l) of this AD is installed on that airplane. A review of airplane maintenance records is acceptable to make this determination, provided the part number can be conclusively identified from that review.

FIGURE 3 TO PARAGRAPH (k)(1) OF THIS AD—ADDITIONAL AFFECTED MANUFACTURER SERIAL NUMBERS

Airplane model—	Affected Manufacturer Serial Numbers—			
A320 series airplanes	1857	1858	1860	1861
	1864	1865	1867	1868
	1871	1873	1874	1877
	1879	1883	1885	1888
	1889	1891	1892	1894
	1895	1896	1898	1899
	1900	1902	1903	1904
	1906	1907	1909	1910
	1911	1913	1914	1915
	1917	1918	1920	1922
	1924	1927	1929	1931
	1933	1935	1937	1940
	1942	1944	1945	1948
	1949	1951	1954	1957
	1958	1961	1964	1965
	1968	1969	1973	1975
	1979	1981	1983	1987
A319 series airplanes	1819	1820	1824	1826
	1831	1833	1837	1839
	1841	1844	1846	1851
	1853	1855	1863	1866
	1870	1872	1875	1876
	1880	1882	1884	1886
	1890	1893	1897	1901
	1908	1912	1916	1923
	1925	1934	1936	1938
	1943	1947		

(l) New Requirement of This AD: Parts Installation Limitations

As of the effective date of this AD, no person may install, on any airplane, an interconnecting strut with a part number specified in figure 2 to paragraphs (i)(2), (k), and (l) of this AD, unless it has been modified in accordance with the requirements of this AD.

(m) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before March 26, 2014 (the effective date of AD 2014–03–

08), using Airbus Service Bulletin A320–27–1206, dated January 28, 2011, and if additional work has been accomplished using Airbus Service Bulletin A320–27–1206, Revision 01, dated October 10, 2011.

(n) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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 Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–1405; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

(i) 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.

(ii) AMOCs approved previously for AD 2014–08–01 are approved as AMOCs for the corresponding provisions of paragraphs (g) and (h) of this AD.

(2) *Contacting the Manufacturer:* As of the effective date of this AD, 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 Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified 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 procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(o) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016–0113, dated June 15, 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–2017–0476.

(2) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 11, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10134 Filed 5–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0210; Airspace Docket No. 17–AGL–10]

Proposed Amendment of Class D and E Airspace; Kenosha, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class D airspace, Class E airspace designated as a surface area, and Class E airspace extending upward from 700 feet above the surface, and remove Class E airspace designated as an extension of Class D airspace at Kenosha Regional Airport, Kenosha, WI. The FAA is proposing this action due to the decommissioning of the Kenosha VHF omnidirectional range (VOR) facilities, which provided navigation guidance for portions of the affected routes. This action would enhance the safety and management of instrument flight rules (IFR) operations at this airport. Additionally, the airport name and geographic coordinates would be adjusted in the Class E airspace extending upward from 700 feet above the surface to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before July 3, 2017.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone 202–366–9826, or 1–800–647–5527. You must identify FAA Docket No. FAA–2017–0210; Airspace Docket No. 17–AGL–10 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 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC, 20591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class D airspace, Class E airspace designated as a surface area, and Class E airspace extending upward from 700 feet above the surface, as well as remove Class E airspace designated as an extension to Class D airspace at Kenosha Regional Airport, Kenosha, WI, to enhance the safety and management of IFR operations at this 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–2017–0210/Airspace Docket No. 17–AGL–10.'' 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 Proposed for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by:

Modifying the Class D airspace to within a 4.2-mile radius (increased from a 4.1-mile radius) of Kenosha Regional Airport, Kenosha, WI;

Modifying the Class E airspace designated as a surface area to within a 4.2-mile radius (increased from a 4.1-mile radius) of Kenosha Regional Airport, and removing the Kenosha VOR and the 7-mile extension northeast of the airport;

Removing the Class E airspace designated as an extension to Class D airspace at Kenosha Regional Airport; and

Modifying the Class E airspace extending upward from 700 feet above the surface to within a 6.7-mile radius (reduced from a 7-mile radius) of Kenosha Regional Airport (formerly Kenosha Municipal Airport), with an extension from the Kenosha Localizer to 10 miles west of the localizer, and updating the name and geographic coordinates of the airport to coincide with the FAA's aeronautical database.

Airspace reconfiguration is necessary due to the decommissioning of the Kenosha VOR and to bring the airspace in compliance with FAA Order JO 7400.2K, Procedures for Handling Airspace Matters, at this airport. Controlled airspace is necessary for the safety and management of standard instrument approach procedures for IFR operations at the airport.

Additionally, this action would replace the outdated term Airport/Facility Directory with the term Chart Supplement in the Class D and Class E surface area airspace legal descriptions.

Class D and E airspace designations are published in paragraph 5000, 6002, 6004, and 6005, respectively, of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AGL WI D Kenosha, WI [Amended]

Kenosha Regional Airport, WI

(Lat. 42°35′45″ N., long. 87°55′40″ W.)

That airspace extending upward from the surface to and including 3,200 feet within a 4.2-mile radius of Kenosha Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

AGL WI E2 Kenosha, WI [Amended]

Kenosha Regional Airport, WI
(Lat. 42°35′45″ N., long. 87°55′40″ W.)

That airspace extending upward from the surface to and including 3,200 feet within a 4.2-mile radius of Kenosha Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6004 Class E Airspace Area Designated as an Extension of Class D Airspace.

* * * * *

AGL WI E4 Kenosha, WI [Removed]

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

* * * * *

AGL WI E5 Kenosha, WI [Amended]

Kenosha Regional Airport, WI
(Lat. 42°35′44″ N., long. 87°55′40″ W.)
Kenosha Localizer
(Lat. 42°36′04″ N., long. 87°55′11″ W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Kenosha Regional Airport, and within 9.9 miles north and 5.9 miles south of a 246° bearing from the Kenosha Localizer to 10 miles west of the Kenosha Localizer, excluding that airspace within the Chicago, IL, and Milwaukee, WI, Class E airspace areas.

Issued in Fort Worth, Texas, on May 10, 2017.

Walter Tweedy,

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

[FR Doc. 2017–10081 Filed 5–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0287; Airspace Docket No. 17–ACE–6]

Proposed Amendment of Class E Airspace, for Wayne, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class E airspace extending up to 700 feet above the surface at Wayne Municipal Airport, Wayne, NE, to accommodate new standard instrument approach procedures for instrument flight rules (IFR) operations at the airport. This action is necessary due to the decommissioning of the Wayne non-directional Radio Beacon (NDB) serving the airport, and cancellation of the NDB approach. This proposal would enhance the safety and management of IFR operations at the airport. This action also would adjust the geographic coordinates of the airport.

DATES: Comments must be received on or before July 3, 2017.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone (202) 366–9826, or 1–800–647–5527. You must identify FAA Docket No. FAA–2017–0287/Airspace Docket No. 17–ACE–6, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

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

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

FOR FURTHER INFORMATION CONTACT: Ron Laster, Federal Aviation Administration, Contract Support, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5879.

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 to support IFR operations in standard instruments approach procedures 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–2017–0287/Airspace Docket No. 17–ACE–6.'' 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.

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 and Summary of Documents Proposed for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Class E airspace extending upward from 700 feet above the surface within a 6.5-mile radius (reduced from 7.5-miles) of Wayne Municipal Airport, Wayne, NE. Airspace redesign of standard instrument approach procedures is necessary for IFR operations at the airport due to the decommissioning of the Wayne NDB, and cancellation of the NDB approach. The geographic coordinates of the airport also would be updated to be in concert with the FAA's aeronautical database. This action would enhance the safety and management of the standard instrument approach procedures for IFR operations at the airport.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE NE E5 Wayne, NE [Amended]

Wayne Municipal Airport, NE

(Lat. 42°14′30″ N., long. 96°58′56″ W.)

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

Issued in Fort Worth, Texas, on May 8, 2017.

Walter Tweedy,

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

[FR Doc. 2017–10077 Filed 5–18–17; 8:45 am]

BILLING CODE 4910–13–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1112 and 1237

[CPSC Docket No. 2017–0023]

Safety Standard for Booster Seats

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the United States Consumer Product Safety Commission (Commission or CPSC) to promulgate consumer product safety standards for durable infant or toddler products. These standards are to be ''substantially the same as'' applicable voluntary standards, or more stringent than the voluntary standard if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product. The Commission is proposing a safety standard for booster seats in response to the direction under section 104(b) of the CPSIA. In addition, the Commission is proposing an amendment to include booster seats in the list of notice of requirements (NORs) issued by the Commission.

DATES: Submit comments by August 2, 2017. Submit comments regarding information collection by June 19, 2017.

ADDRESSES: Comments related to the Paperwork Reduction Act aspects of the marking, labeling, and instructional literature requirements of the proposed mandatory standard for booster seats should be directed to the Office of Information and Regulatory Affairs, the Office of Management and Budget, Attn: CPSC Desk Officer, FAX: 202–395–6974, or emailed to *oira_submission@omb.eop.gov.*

Other comments, identified by Docket No. CPSC–2017–0023, may be submitted electronically or in writing:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *http://www.regulations.gov.* Follow the instructions for submitting comments. The Commission does not accept comments submitted by email, except through *www.regulations.gov.* The

Commission encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Written Submissions: Submit written submissions by mail/hand delivery/courier to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this proposed rulemaking. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: *http://www.regulations.gov.* Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If furnished at all, such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to: *http://www.regulations.gov,* and insert the docket number, CPSC–2017–0023, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Celestine T. Kish, Project Manager, Directorate for Engineering Sciences, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: (301) 987–2547; email: *ckish@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Statutory Authority

The CPSIA was enacted on August 14, 2008. Section 104(b) of the CPSIA requires the Commission to: (1) Examine and assess the effectiveness of voluntary consumer product safety standards for durable infant or toddler products, in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts; and (2) promulgate consumer product safety standards for durable infant or toddler products. Standards issued under section 104 are to be ''substantially the same as'' the applicable voluntary standards, or more stringent than the voluntary standard if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product.

Section 104(f)(1) of the CPSIA defines the term ''durable infant or toddler product'' as ''a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years.'' Section 104(f)(2)(C) of the CPSIA specifically identifies ''booster chairs'' as a durable infant or toddler product.

Pursuant to section 104(b)(1)(A) of the CPSIA, the Commission consulted with manufacturers, retailers, trade organizations, laboratories, consumer advocacy groups, consultants, and members of the public in the development of this notice of proposed rulemaking (NPR), largely through the ASTM process.

Based on a briefing package prepared by CPSC staff, the proposed rule would incorporate by reference the most recent booster seat voluntary standard developed by ASTM International, ASTM F2640–17$^{\varepsilon 1}$, *Standard Consumer Safety Specification for Booster Seats,* without modification. [*https://cpsc.gov/s3fs-public/Notice%20of%20Proposed%20Rulemaking%20-%20Booster%20Seats%20-%20May%203%202017.pdf?97pmoM5UAGyQBBPFtTPyvFu_RjCZMAwL*] If finalized, the ASTM standard would be a mandatory safety rule under the Consumer Product Safety Act (CPSA).

The testing and certification requirements of section 14(a) of the CPSA apply to the standards promulgated under section 104 of the CPSIA. Section 14(a)(3) of the CPSA requires the Commission to publish an NOR for the accreditation of third party conformity assessment bodies (test laboratories) to assess conformity with a children's product safety rule to which a children's product is subject. The proposed rule for booster seats, if issued as a final rule, would be a children's product safety rule that requires the issuance of an NOR. To meet the requirement that the Commission issue an NOR for the booster seats standard, this NPR also proposes to amend 16 CFR part 1112 to include 16 CFR part 1237, the CFR section where the booster seat standard will be codified if the standard becomes final.

II. Product Information

A. Definition of ''Booster Seat''

ASTM F2640–17$^{\varepsilon 1}$ defines a ''booster seat'' as ''a juvenile chair, which is placed on an adult chair to elevate a child to standard dining table height. The booster seat is made for the purpose of containing a child, up to 5 years of age, and normally for the purposes of feeding or eating. A booster seat may be height adjustable and include a reclined position.'' Booster seats may be constructed from a wide variety of materials, including wood, plastic, fabric, metal, and/or foam. Most booster seats, notably those intended for home use, have removable trays, allowing a table to be used as an alternative eating surface. Some booster seats are intended to double as floor seats for toddlers, and others are high chair/booster seat combination products. The ASTM standard covers combination products when they are in their booster seat configuration.

Several suppliers produce booster seats that are designed specifically for use in restaurants. These suppliers sell their ''food-service'' booster seats directly to restaurants or through restaurant supply companies; however, consumers may purchase these products directly, for example online through third parties such as Amazon.com. Consequently, these food-service booster seats may also be found in homes. Furthermore, consumers use these food-service booster seats in establishments open to the public. ASTM F2640–17$^{\varepsilon 1}$ broadly defines booster seats as ''a juvenile chair, which is placed on an adult chair to elevate a child to standard dining table height.'' There is no exclusion for food-service booster seats and ASTM subcommittee members have stated in several subcommittee meetings that food-service booster seats are included in the standard.

The standard does *not* cover car booster seats, which are also sometimes referred to as ''booster seats.''

B. Booster Seat Means of Attachment to Adult Chairs

Currently, booster seats use a variety of methods to secure the booster on an adult chair; most employ a method of attachment, such as straps or suction, to attach to an adult chair. However, a few booster seats rely on the occupant's weight (along with anti-skid bottoms or grip feet to minimize slippage by means of friction) to secure the booster seat onto an adult chair. As discussed below in section VI.A., not all methods of securing a booster seat to an adult chair comply with the attachment requirements in ASTM F2640–17$^{\varepsilon 1}$.

III. Incident Data

The Commission is aware of a total of 867 incidents (2 fatal, 865 nonfatal) related to booster seats, reported to have occurred between January 1, 2008 and September 30, 2016. Information on 83 percent of these incidents was based on retailer and manufacturer reports submitted through the CPSC's ''Retailer Reporting Program.'' Various sources, such as hotlines, Internet reports, newspaper clippings, medical examiners, and other state and local authorities provided the CPSC with the

remaining incident reports. Because reporting is ongoing, the number of reported fatalities, nonfatal injuries, and non-injury incidents may change in the future.

A. Fatalities

CPSC has reports of two fatalities associated with the use of a booster seat:

▪ In one incident, a 22-month-old female, sitting on a booster seat attached to an adult chair, pushed off from the table and tipped the adult chair backwards into a glass panel of a china cabinet behind her. The cause of death was listed as ''exsanguination due to hemorrhage from incised wound.''

▪ In the other incident, a 4-year-old male fell from a booster seat to the floor; he seemed uninjured at the time, but later that evening when riding his bike, the child fell, became unresponsive, and later died. The cause of death was multiple blunt force trauma.

B. Nonfatalities

CPSC has reports of 146 booster seat nonfatal injury incidents occurring between January 1, 2008 and September 30, 2016. Among the incidents with age information available, a majority of the incidents involved children 18 months and under. The severity of the injury types among the 146 reported injuries were as follows:

▪ Four children required a hospital admission. The injuries were skull fractures, concussions, and other head injuries.

▪ Another 22 children were treated and released from a hospital emergency department (ED) for injuries resulting mostly from falls.

▪ The remaining incidents primarily involved contusions, abrasions, and lacerations, due to falls or entrapment of limbs/extremities.

The remaining 719 non-injury incident reports specified that no injury had occurred or provided no information about any injury. However, many of the descriptions indicated the potential for a serious injury or even death.

C. Hazard Pattern Identification

CPSC staff considered all 867 reported incidents to identify hazard patterns associated with booster seats; subsequently, staff considered the hazard patterns when reviewing the adequacy of ASTM F2640–17$^{\varepsilon 1}$. CPSC staff identified the following hazard patterns associated with booster seats:

1. *Restraint/Attachment Problems (37%):* 317 incidents involved the mechanism for attaching a booster seat to an adult chair, or the restraint system that contains the child within the booster seat. Issues with the attachment mechanism included anchor Buckles/clasps/straps breaking, tearing, fraying, detaching or releasing. Restraint-system problems included: Buckles/prongs breaking, jamming, releasing too easily, or separating from straps; straps tearing or fraying, pinching, or coming undone; and general inadequacy or ineffectiveness of restraints in containing the child in place. In 18 incident reports, it was not clear from the report if the buckle or strap referred to in the report meant the restraint or the attachment system. In eight of the incident reports, both systems were reported to have failed. Thirty-seven injuries are included in this category, of which seven were treated at a hospital ED.

2. *Seat-Related Issues (29%):* 254 incidents involved seat-related issues. These incidents included failure of the lock/latch that controls the seat-recline function; seat pads tearing, cracking, and/or peeling; the seat back detaching altogether; seat height adjustment lock/latch failure; and seat detachment from the base available for certain models. Twenty-one injuries are included in this category, two resulting in hospitalizations and five of which were ED-treated injuries.

3. *Tray-Related Issues (20%):* 171 incidents involved issues relating to booster seat trays. These incidents included tray paint finish peeling off, trays failing to lock/stay locked, trays with sharp protrusions on the underside, trays too tight/difficult to release, and trays pinching fingers. These incidents also included complaints about broken toy-accessories, which are usually attached to the tray (or tray-insert). Thirty-six injuries are included in this category, including one that required ED treatment.

4. *Design Problems (4%):* 33 incidents involved a potential entrapment hazard due to the design of the booster seat. Most of these incidents involved limbs, fingers, and toes entrapped in spaces/openings between the armrest and seat back/tray, between passive crotch restraint bar and seat/tray, between tray inserts, or in toy accessories. Fifteen injuries were included in this category, two requiring ED treatment.

5. *Stability-Related Issues (4%):* 31 incidents involved issues of booster seat stability. Most of these incidents (27 of 31) concerned the adult chair to which the booster seat was attached tipping back or over. Some of these incidents resulted from the child pushing back from the table or counter. Twenty-two injuries (including two hospitalizations and five ED-treated injuries) and one fatality are included in this category.

6. *Armrest Problems (3%):* 24 incidents involved booster seat armrests cracking or breaking. In a few cases, the armrest reportedly arrived broken inside the booster seat packaging. One injury is included in this category.

7. *Miscellaneous Product Issues (2%):* 16 miscellaneous incidents involved a variety of product-related issues, including unclear assembly instructions, poor quality construction, odor, rough surface, breakage, or loose hardware at unspecified sites. Nine injuries were included in this category, including two ED-treated injuries.

8. *Combination of Multiple Issues (2%):* 17 incidents involved a combination of the above-listed product hazards. Four injuries were included in this category.

9. *Unknown Issues (<0.5%):* Four incidents involved unknown issues. In these incidents, insufficient information was available for CPSC staff to determine how the incidents occurred. In one incident in this category, a fatality, there were confounding factors reported that likely contributed to the death. One other injury was reported in this category.

D. Product Recalls

Compliance staff reviewed recalls of booster seats that occurred from January 1, 2008 to September 30, 2016. During that time, there was one consumer-level recall involving booster seats. The recall was conducted to resolve a fall hazard caused when the stitching on the booster seat's restraint straps loosened, allowing the straps to separate from the seat and the child to fall out of the seat.

IV. International Standards for Booster Seats

CPSC staff identified one international standard—BS EN16120 Child Use and Care Articles—Chair Mounted Seat—intended for a similar product category. EN16120 addresses products for a more narrow age range of children (up to 36 months); whereas, F2640–17$^{\varepsilon 1}$ includes products intended for children up to 5 years of age. Some individual requirements in the EN16120 standard are more stringent than ASTM F2640–17$^{\varepsilon 1}$. For example, EN16120 contains requirements for head entrapment, lateral protection, surface chemicals, cords/ribbons, material shrinkage, packaging film, and monofilament threads. Conversely, some individual requirements in F2640–17$^{\varepsilon 1}$ are more stringent than those found in EN 16120; ASTM F2640–17$^{\varepsilon 1}$ includes requirements for tray performance and toy accessories. CPSC

staff believes that the current ASTM standard, ASTM F2640–17$^{\varepsilon 1}$, is the most comprehensive of the standards to address the identified product hazards.

V. Voluntary Standard—ASTM F2640

A. History of ASTM F2640

The voluntary standard for booster seats was first approved and published in 2007, as ASTM F2640–07, *Standard Consumer Safety Specification for Booster Seats.* ASTM has revised the voluntary standard nine times since then. The current version of the standard, ASTM F2640–17$^{\varepsilon 1}$ was approved on March 01, 2017 and published in March 2017.

B. Description of the Current Voluntary Standard–ASTM F3118–17$^{\varepsilon 1}$

ASTM F2640–17$^{\varepsilon 1}$ includes the following key provisions: Scope, terminology, general requirements, performance requirements, test methods, marking and labeling, and instructional literature.

Scope. This section states the scope of the standard, detailing what constitutes a booster seat. As stated in section II.A. of this preamble, the Scope section describes a booster seat as ''a juvenile chair, which is placed on an adult chair to elevate a child to standard dining table height.'' The scope section further specifies appropriate ages for children using a booster seat, stating that a ''booster seat is made for the purpose of containing a child, up to 5 years of age, and normally for the purposes of feeding or eating.''

Terminology. This section provides definitions of terms specific to this standard.

General Requirements. This section addresses numerous hazards with several general requirements; most are also found in the other ASTM juvenile product standards. The general requirements included in this section are:

- Sharp edges or points;
- Small parts;
- Wood parts;
- Lead in paint;
- Scissoring, shearing, and pinching;
- Openings;
- Exposed coil springs;
- Protective components;
- Labeling; and
- Toys.

Performance Requirements and Test Methods. These sections contain performance requirements specific to booster seats (discussed here) and the test methods that must be used to assess conformity with such requirements.

- *Tray impact test:* This test assesses the tray's resistance to breaking into small pieces or creating sharp points/edges when dropped from a specified height.
- *Tray engagement test:* This test assesses the tray's ability to remain engaged to the booster seat when subjected to a specified force horizontally and vertically.
- *Static load test:* This test assesses whether the booster seat can support its maximum recommended weight, by gradually applying a static load on the center of the seating surface for a specified amount of time.
- *Restraint system test:* This test assesses whether the restraint system can secure a child in the manufacturer's recommended-use positions.
- *Attachment test:* This test specifies that a booster seat must have a means of attaching a booster seat to an adult chair and assesses the booster seat's ability to remain fastened to the adult chair when force is applied.
- *Structural integrity:* This requirement assesses the durability of the locking/latching devices to prevent folding or adjustment of the booster seat.
- *Maximum booster seat dimensions:* This requirement assesses how large a booster seat can be in relation to the adult chair dimensions specified on the booster seat's packaging.

Marking and Labeling. This section contains various requirements relating to warnings, labeling, and required markings for booster seats. This section prescribes various substance, format, and prominence requirements for such information.

Instructional Literature. This section requires that easily readable and understandable instructions be provided with booster seats. Additionally, the section contains requirements relating to instructional literature contents and format.

VI. Assessment of the Voluntary Standard ASTM F2640–17$^{\varepsilon 1}$

CPSC staff identified 867 incidents (including two fatalities) related to the use of booster seats. CPSC staff examined the incident data, identified hazard patterns in the data, and worked with ASTM to develop the performance requirements in ASTM F2640. The incident data and identified hazard patterns served as the basis for the development of ASTM F2640–17$^{\varepsilon 1}$ by ASTM with CPSC staff support throughout the process.

CPSC believes that the current voluntary standard, ASTM F2640–17$^{\varepsilon 1}$, addresses the primary hazard patterns identified in the incident data. The following section discusses how each of the identified product-related issues or hazard patterns listed in section III.C. of this preamble is addressed by the current voluntary standard:

A. Restraint/Attachment Problems

Restraint system and attachment problems included buckles/prongs breaking, jamming, releasing too easily, or separating from straps; straps tearing or fraying, pinching, or coming undone; and inadequacy or ineffectiveness of restraints in containing the child in place, Similarly, complaints about the seat attachment system involved anchor buckles/clasps/straps breaking, tearing, fraying, detaching, or releasing. CPSC evaluated the attachment and restraint system tests in ASTM F2640–17$^{\varepsilon 1}$, and believes that these tests adequately address this hazard.

Section 6.5 of ASTM F2640–17$^{\varepsilon 1}$ requires that a booster seat must have a means of ''attaching'' to an adult chair, and be able to withstand a specified force without becoming detached from the adult chair. Booster seats may employ several methods to secure to an adult chair, including straps, suction, and anti-skid bottoms or grip feet that minimize slippage on the chair by means of friction. However, because ''grip feet'' and ''friction bottoms'' do not actually *attach* (*i.e.,* fasten) the booster seat to an adult chair, a majority of ASTM subcommittee members, as well as CPSC staff, does not consider these means of *securing* booster seats to an adult chair to be a means of *attachment* that Section 6.5 requires. Conversely, because suction physically fastens the booster seat to an adult chair, CPSC staff and a majority of ASTM subcommittee members consider suction to be a means of attachment under Section 6.5 of the current ASTM standard; nevertheless, any booster seat using suction as a means of attachment must still pass the attachment test to be compliant.

Thus, promulgating the requirements of ASTM F2640$^{\varepsilon 1}$ as a mandatory standard might result in the following: (1) Booster seats that currently use grip feet/friction bottoms to secure the booster seat to the surface upon which it sits (disproportionately used on food-service booster seats) would not comply with the mandatory standard due to their lack of a means of attachment; and (2) booster seats that currently use suction as a means of attachment may not pass the mandatory standard's attachment test. CPSC requests comments on the effect of ASTM F2640–17$^{\varepsilon 1}$'s attachment requirements becoming mandatory on booster seats that currently use grip feet/friction bottoms to secure the booster to the surface upon which it sits. Furthermore,

CPSC requests comments on whether a suction attachment method is capable of passing ASTM F2640$^{\varepsilon 1}$'s attachment test.

B. Seat-Related Issues

Seat-related issues included failure of the lock/latch that controls the seat-recline function; seat pads tearing, cracking, and/or peeling; seat backs detaching altogether; seat height adjustment lock/latch failures; and seat detachment from the base that is available for certain models. CPSC evaluated the static load and dynamic booster seat tests in ASTM F2640–17$^{\varepsilon 1}$, and believes that these tests adequately address this hazard.

C. Tray-Related Issues

Tray-related issues included trays with paint finish peeling off, trays failing to lock/stay locked, trays with sharp protrusions on the underside, trays that were too tight/difficult to release, and trays pinching fingers. Upon evaluation, CPSC believes that the general requirements section of F2640–17$^{\varepsilon 1}$ adequately addresses peeling paint, sharp protrusions, and pinching hazards, and the standard's tray engagement test adequately address the tray locking failures.

D. Design Problems

Booster seat design problems resulted in limbs, fingers, and toes entrapped in spaces/openings between the armrest and seat back/tray, between passive crotch restraint bar and seat/tray, between tray inserts, or in toy accessories. CPSC evaluated the general requirements of ASTM 2640–17$^{\varepsilon 1}$ (namely requirements relating to scissoring, shearing, and pinching, openings, and toys) and believes that the ASTM standard adequately addresses this hazard.

E. Stability-Related Issues

Stability-related incidents included instances where the adult chair to which the booster seat was attached, tipped back or tipped over. Addressing the stability of the booster seat while attached to an adult chair is difficult in a standard for booster seats because stability is dependent on the adult chair. The ASTM booster seat subcommittee and CPSC staff worked diligently to find an effective requirement to adequately address stability without specifying requirements for the adult chair. Although ASTM F2640–17$^{\varepsilon 1}$ does not contain a performance requirement to address this hazard, it does contain a labeling requirement, whereby booster seats must contain a cautionary statement: ''Never allow a child to push away from table.'' Moreover, ASTM F2640–17$^{\varepsilon 1}$ requires a booster seat to identify on the booster seat packaging the size of adult chair on which the booster seat can fit, thereby allowing consumers to make a more informed purchasing choice.

F. Armrest Problems

Armrest problems included booster seat armrests cracking, and in a few cases, the armrest arriving to the consumer broken in the packaging. CPSC evaluated the static and dynamic load tests contained in ASTM F2640–17$^{\varepsilon 1}$, and believes that those tests adequately address armrest-related hazards.

G. Miscellaneous Product-Related Issues

Miscellaneous product-related issues included unclear assembly instructions, poor quality construction, odor, rough surface, breakage, or loose hardware at unspecified sites. CPSC evaluated the general requirements section, as well as the instructional literature requirements of ASTM F2640–17$^{\varepsilon 1}$, and believes that those requirements adequately address this hazard.

VII. Proposed Standard for Booster Seats

As discussed in the previous section, the Commission concludes that ASTM F2640–17$^{\varepsilon 1}$ adequately addresses the hazards associated with booster seats. Thus, the Commission proposes to incorporate by reference ASTM F2640–17$^{\varepsilon 1}$, without modification, into the final rule.

VIII. Proposed Amendment to 16 CFR Part 1112 To Include NOR for Booster Seats

The CPSA establishes certain requirements for product certification and testing. Products subject to a consumer product safety rule under the CPSA, or to a similar rule, ban, standard or regulation under any other act enforced by the Commission, must be certified as complying with all applicable CPSC-enforced requirements. 15 U.S.C. 2063(a). Certification of children's products subject to a children's product safety rule must be based on testing conducted by a CPSC-accepted third party conformity assessment body. *Id.* 2063(a)(2). The Commission must publish an NOR for the accreditation of third party conformity assessment bodies to assess conformity with a children's product safety rule to which a children's product is subject. *Id.* 2063(a)(3). Thus, the proposed rule for 16 CFR part 1237, *Standard Consumer Safety Specification for Booster Seats,* if issued as a final rule, would be a children's product safety rule that requires the issuance of an NOR.

The Commission published a final rule, *Requirements Pertaining to Third Party Conformity Assessment Bodies,* 78 FR 15836 (March 12, 2013), codified at 16 CFR part 1112 (part 1112) and effective on June 10, 2013, which establishes requirements for accreditation of third party conformity assessment bodies to test for conformity with a children's product safety rule in accordance with section 14(a)(2) of the CPSA. Part 1112 also codifies all of the NORs issued previously by the Commission.

All new NORs for new children's product safety rules, such as the booster seats standard, require an amendment to part 1112. To meet the requirement that the Commission issue an NOR for the booster seats standard, as part of this NPR, the Commission proposes to amend the existing rule that codifies the list of all NORs issued by the Commission to add booster seats to the list of children's product safety rules for which the CPSC has issued an NOR.

Test laboratories applying for acceptance as a CPSC-accepted third party conformity assessment body to test to the new standard for booster seats would be required to meet the third party conformity assessment body accreditation requirements in part 1112. When a laboratory meets the requirements as a CPSC-accepted third party conformity assessment body, the laboratory can apply to the CPSC to have 16 CFR part 1237, *Standard Consumer Safety Specification for Booster Seats,* included in the laboratory's scope of accreditation of CPSC safety rules listed for the laboratory on the CPSC Web site at: *www.cpsc.gov/labsearch.*

Incorporation by Reference

The Commission proposes to incorporate by reference ASTM F2640–17$^{\varepsilon 1}$, without modification. The Office of the Federal Register (OFR) has regulations concerning incorporation by reference. 1 CFR part 51. For a proposed rule, agencies must discuss in the preamble to the NPR ways that the materials the agency proposes to incorporate by reference are reasonably available to interested persons or how the agency worked to make the materials reasonably available. In addition, the preamble to the proposed rule must summarize the material. 1 CFR 51.5(a).

In accordance with the OFR's requirements, section V.B. of this preamble summarizes the provisions of ASTM F2640–17$^{\varepsilon 1}$ that the Commission

proposes to incorporate by reference. ASTM F2640–17$^{\varepsilon 1}$ is copyrighted. By permission of ASTM, the standard can be viewed as a read-only document during the comment period on this NPR, at: *http://www.astm.org/cpsc.htm.* Interested persons may also purchase a copy of ASTM F2640–17$^{\varepsilon 1}$ from ASTM International, 100 Bar Harbor Drive, P.O. Box 0700, West Conshohocken, PA 19428; *http://www.astm.org/cpsc.htm.* One may also inspect a copy at CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923.

IX. Effective Date

The Administrative Procedure Act (APA) generally requires that the effective date of a rule be at least 30 days after publication of the final rule. 5 U.S.C. 553(d). Although a 6-month effective date has been adopted for several other section 104 rules, the Commission is proposing an effective date of 12 months after publication of the final rule in the **Federal Register** to allow booster seat manufacturers additional time to bring their products into compliance after the final rule is issued. CPSC was unable to rule out a significant economic impact for some booster seat importers and small firms, and a 12-month effective date will allow additional time for manufacturers and importers to make necessary changes to bring their booster seats into conformance with the ASTM F2640–17$^{\varepsilon 1}$ and arrange for third party testing.

X. Regulatory Flexibility Act

A. Introduction

The Regulatory Flexibility Act (RFA) requires that agencies review a proposed rule for the rule's potential economic impact on small entities, including small businesses. Section 603 of the RFA generally requires that agencies prepare an initial regulatory flexibility analysis (IRFA) and make the analysis available to the public for comment when the agency publishes an NPR. 5 U.S.C. 603. Section 605 of the RFA provides that an IRFA is not required if the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. Staff could not rule out a significant economic impact on 20 of the 29 small suppliers of booster seats to the U.S. market. Accordingly, staff prepared an IRFA and poses several questions for public comment to help staff assess the rule's potential impact on small businesses.

The IRFA must describe the impact of the proposed rule on small entities and identify significant alternatives that accomplish the statutory objectives and minimize any significant economic impact of the proposed rule on small entities. Specifically, the IRFA must contain:

- A description of the reasons why action by the agency is being considered;
- a succinct statement of the objectives of, and legal basis for, the proposed rule;
- a description of, and where feasible, an estimate of the number of small entities to which the proposed rule will apply;
- a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities subject to the requirements and the type of professional skills necessary for the preparation of reports or records; and
- identification, to the extent possible, of all relevant federal rules that may duplicate, overlap, or conflict with the proposed rule; and

In addition, the IRFA must describe any significant alternatives to the proposed rule that accomplish the stated objectives of applicable statutes and minimize any significant economic impact of the proposed rule on small entities.

B. Market Description

The Commission has identified 49 firms supplying booster seats to the U.S. market, 39 that supply home-use booster seats, and 10 that supply food-service booster seats. Forty-four of these firms (28 manufacturers, 15 importers, and one supplier with an unknown supply source) are domestic. The remaining five firms are foreign.

C. Reason for Agency Action and Legal Basis for Proposed Rule

As discussed in section I. of this preamble, section 104 of the CPSIA requires the CPSC to promulgate consumer product safety standards for durable infant or toddler products that are substantially the same as, or more stringent than, the relevant voluntary standard. Section 104(f)(2)(C) of the CPSIA specifically identifies ''booster chairs'' as a durable infant or toddler product for which the Commission shall promulgate a consumer product safety standard.

D. Impact of Proposed 16 CFR Part 1237 on Small Businesses

CPSC staff is aware of 49 firms currently marketing booster seats in the United States, 44 that are domestic. Under U.S. Small Business Administration (SBA) guidelines, a manufacturer is considered small if it has 500 or fewer employees; and importers and wholesalers are considered small if they have 100 or fewer employees. Staff limited its analysis to domestic firms because SBA guidelines and definitions pertain to U.S.-based entities. Based on these guidelines, 29 of the 44 domestic firms are small—18 manufacturers, 10 importers, and one firm with an unknown supply source. Additional unknown small domestic booster seat suppliers may be operating in the U.S. market.

1. Small Manufacturers

i. Small Manufacturers With Compliant Booster Seats

Of the 18 small manufacturers, eight produce booster seats that comply with ASTM F2640–14, the voluntary standard currently in effect for testing purposes under the Juvenile Product Manufactures Association (JPMA) certification program. In general, it is expected that the small manufacturers whose booster seats already comply with the current voluntary standard will remain compliant with the voluntary standard as it evolves, because these small manufacturers follow, and in some cases, participate actively in the standard development process. ASTM F2640–17$^{\varepsilon 1}$ has already been published and will be in effect by the time the mandatory standard becomes final. Moreover, history indicates that these firms are likely to be in compliance by the time the mandatory standard takes effect.

All but one of these eight already-compliant firms supply home-use booster seats that use straps/belts as an attachment method. The remaining small manufacturer uses suction to attach their home-use booster seat to adult chairs. It is unclear whether the suction-type booster seats would pass the attachment test in ASTM F2640–17$^{\varepsilon 1}$ without modifications. Several participants in the ASTM voluntary standards development process, including one of the supplier representatives contacted by CPSC staff, believes that belts and/or straps will be required to pass the attachment test. If modifications were required, the impact could be significant. The firm could undertake efforts to improve their existing suction system, or they could modify the chair to use strap/belt attachment system, which would involve creating new product molds, as well as the cost of the belts and buckles. Several of the supplier representatives staff contacted believe that a complete

redesign for booster seats costs approximately $500,000. Although it is unlikely that the cost of addressing the attachment performance requirement would be that high, any change that involves redesign can be expensive, and the affected firm likely has relatively low sales revenue. Therefore, staff cannot rule out a significant impact on this firm.

ii. Small Manufacturers With Noncompliant Booster Seats

Ten small manufacturers produce booster seats that do not comply with the voluntary standard; half are home-use booster seat manufacturers, and the other half are food-service booster seat manufacturers. Staff cannot rule out a significant economic impact for any of these small manufacturers. The booster seats manufactured by all 10 firms are likely to require modifications, some of which may be significant, to meet the requirements of the voluntary standard. For example, eight of the 10 firms use attachment methods other than belts or straps, such as suction or friction, on one or more of their booster seat products. Six of those firms supply plastic or foam booster seats, which are likely to be more expensive to modify than wooden booster seats. In addition, some plastic booster seats may require a complete redesign to comply with the warning label requirements, even if sufficient space is available on the product to display the labels.

Staff cannot determine the extent and cost of the changes required for compliance of these manufacturers' booster seat products; therefore, staff cannot rule out a significant economic impact on these businesses. However, based on the revenue data available for these firms, the impact is not likely to be significant for two of the firms, unless modifications that cost more than $200,000 are required. The impact on five of the firms could be significant, even with relatively minor changes (*i.e.,* less than $40,000). Without additional information, staff cannot determine the impact on the remaining three firms.

The Commission requests information on the changes that may be required to meet the voluntary standard, ASTM F2640–17$^{\varepsilon 1}$ and, in particular, the time and cost associated with any necessary redesign or retrofitting. The Commission also requests information on the degree to which modifications required as a result of ASTM F2640–17$^{\varepsilon 1}$'s attachment test may add to a firm's costs.

iii. Third Part Testing Costs for Small Manufacturers

Under section 14 of the CPSA, once the requirements of ASTM F2640–17$^{\varepsilon 1}$ are effective, all manufacturers will be subject to the third party testing and certification requirements under the 1107 rule. Third party testing will include any physical and mechanical test requirements specified in the final booster seat rule. Manufacturers and importers should already be conducting required lead testing for booster seats. Third party testing costs are in addition to the direct costs of meeting the requirements of the booster seat standard.

Eight of the 18 small booster seats manufacturers are already testing their products, although not necessarily by a third party, to verify compliance with the ASTM standard. For these manufacturers, the impact on testing costs will be limited to the difference between the cost of third party tests and the cost of current testing regimes. CPSC staff contacted small booster seat manufacturers. They estimate that third party testing booster seats to the ASTM voluntary standard would cost about $500 to $1,000 per model sample. For the eight small manufacturers that are already testing, the incremental costs are unlikely to be economically significant.

For the 10 small manufacturers that are not currently testing their products to verify compliance with the ASTM standard, the impact of third party testing could result in significant costs for three firms. Although CPSC does not currently know how many samples will be needed to meet the ''high degree of assurance'' criterion required in the 1107 rule, testing costs could exceed one percent of gross revenue for two of these firms, if five samples are needed to be tested (assuming high-end testing costs of $1,000 per model sample). Revenue information was not available for the third firm, but that firm's revenue appears to be very small. Accordingly, that firm might be significantly affected by third party testing costs.

The Commission welcomes comments regarding overall testing costs and incremental costs due to third party testing (*i.e.,* how much does moving from a voluntary to a mandatory third party testing regime add to testing costs, in total, and on a per-test basis). In addition, the Commission seeks comments on the number of booster seat units that typically need to be tested to provide a ''high degree of assurance.''

2. Small Importers

CPSC does not believe that any of the 10 small importers of booster seats currently complies with the ASTM standard. There is insufficient information to rule out a significant impact for any of the 10 small importers supplying noncompliant booster seats. Whether there will be a significant economic impact will depend upon the extent of the changes required to comply and the responses of importers' supplying firms. Any increase in production costs experienced by their suppliers from changes made to meet the mandatory standard may be passed on to these importers. Costs would include expenses associated with coming into compliance with the voluntary standard, as well as costs associated with the attachment test (all of the home-use booster seats supplied by these firms already use straps/belts, but neither of the food-service suppliers appears to do so, and therefore, they will likely need to make changes to come into compliance).

Four of the 10 importers with noncompliant booster seats (two import food-service booster seats, and two import home-use booster seats) do not appear to have direct ties to their product suppliers. These firms may opt to switch to alternative suppliers (or, in some cases, alternative products), rather than bear the cost of complying with the standard. Although it is unclear whether the costs associated with changing suppliers would be significant for these firms.

The remaining six firms (all of which import home-use booster seats) are directly tied to their foreign suppliers, and therefore, finding an alternative supply source would not be a viable alternative. The foreign suppliers of these firms, however, may have an incentive to work with their U.S. subsidiaries/distributors to maintain an American market presence. It is also possible that these firms may discontinue the sale of booster seats altogether because booster seats are not a large component of their product lines. CPSC staff was unable to determine whether exiting the booster seats market would generate significant economic impacts due to the lack of sales revenue for booster seats, as well as the lack of revenue data for most of these firms.

As with manufacturers, importers will be subject to third party testing and certification requirements; consequently, importers will be subject to costs similar to those of manufacturers, if their supplying foreign firm(s) does not perform third party

testing. Moving to third party certification for the requirements of the proposed rule is unlikely to result in significant costs for the four small importers for whom revenue data are available. However, there was no revenue data available for the remaining six small importers; accordingly, CPSC had no basis for examining the size of the impact on those firms.

3. Summary

In summary, based upon current information, CPSC cannot rule out a significant economic impact for 20 of the 29 booster seat firms operating in the U.S. market. The 12-month proposed effective date would help to spread costs over a longer time-frame.

4. Alternatives

One alternative is available to minimize the economic impact on small entities supplying booster seats while also meeting the statutory objectives. The Commission could allow a later effective date than proposed.

The Commission is proposing a 12-month effective date to allow booster seat manufacturers additional time (beyond the more usual 6-month effective date) to bring their products into compliance after the final rule is issued. The Commission believes that the proposed 12-month effective date would allow firms that may not be aware of the ASTM voluntary standard, or may believe that their product falls outside the scope of the standard, additional time to make this determination and thereafter, bring their products into compliance. The Commission could further reduce the proposed rule's impact on small businesses by setting an effective date later than 12 months after the final rule is issued. A later effective date would reduce the economic impact on firms in two ways. First firms would be less likely to experience a lapse in production/importation, which could result if they are unable to bring their products into compliance and certify compliance based on third party tests within the required timeframe. Additionally, firms could spread the costs of developing compliant products over a longer time period, thereby reducing their annual costs, as well as the present value of their total costs (*i.e.,* they could time their spending to better accommodate their individual circumstances).

E. Impact of Proposed 16 CFR Part 1112 Amendment on Small Businesses

This proposed rule also would amend part 1112 to add booster seats to the list of children's products for which the Commission has issued an NOR. As required by the RFA, staff conducted a Final Regulatory Flexibility Analysis (FRFA) when the Commission issued the part 1112 rule (78 FR 15836, 15855–58). The FRFA concluded that the accreditation requirements would not have a significant adverse impact on a substantial number of small testing laboratories because no requirements were imposed on test laboratories that did not intend to provide third party testing services. The only test laboratories that were expected to provide such services were those that anticipated receiving sufficient revenue from the mandated testing to justify accepting the requirements as a business decision.

Based on similar reasoning, amending 16 CFR part 1112 to include the NOR for the booster seat product standard will not have a significant adverse impact on small test laboratories. Moreover, based upon the number of test laboratories in the United States that have applied for CPSC acceptance of accreditation to test for conformance to other mandatory juvenile product standards, we expect that only a few test laboratories will seek CPSC acceptance of their accreditation to test for conformance with the booster seats standard. Most of these test laboratories will have already been accredited to test for conformance to other mandatory juvenile product standards, and the only costs to them would be the cost of adding the booster seat standard to their scope of accreditation. Consequently, the Commission certifies that the proposed NOR amending 16 CFR part 1112 to include the infant booster seat standard will not have a significant impact on a substantial number of small entities.

XI. Environmental Considerations

The Commission's regulations address whether the agency is required to prepare an environmental assessment or an environmental impact statement. Under these regulations, certain categories of CPSC actions normally have ''little or no potential for affecting the human environment,'' and therefore, they do not require an environmental assessment or an environmental impact statement. Safety standards providing requirements for products come under this categorical exclusion. 16 CFR 1021.5(c)(1). The proposed rule falls within the categorical exclusion.

XII. Paperwork Reduction Act

This proposed rule contains information collection requirements that are subject to public comment and review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). In this document, pursuant to 44 U.S.C. 3507(a)(1)(D), we set forth:

- A title for the collection of information;
- a summary of the collection of information;
- a brief description of the need for the information and the proposed use of the information;
- a description of the likely respondents and proposed frequency of response to the collection of information;
- an estimate of the burden that shall result from the collection of information; and
- notice that comments may be submitted to the OMB.

Title: Safety Standard for Booster Seats.

Description: The proposed rule would require each booster seat to comply with ASTM F2640–17$^{\varepsilon 1}$, *Standard Consumer Safety Specification for Booster Seats.* Sections 8 and 9 of ASTM F2640–17$^{\varepsilon 1}$ contain requirements for marking, labeling, and instructional literature. These requirements fall within the definition of ''collection of information,'' as defined in 44 U.S.C. 3502(3).

Description of Respondents: Persons who manufacture or import booster seats.

Estimated Burden: We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

16 CFR Section	Number of respondents	Frequency of responses	Total annual responses	Hours per response	Total burden hours
1237	49	2	98	1	98

Our estimate is based on the following:

Forty-nine known entities supply booster seats to the U.S. market and may need to make some modifications to their existing warning labels. We estimate that the time required to make these modifications is about 1 hour per model. Based on an evaluation of supplier product lines, each entity supplies an average of 2 models of booster seats; therefore, the estimated burden associated with labels is 1 hour per model × 49 entities × 2 models per entity = 98 hours. We estimate the hourly compensation for the time required to create and update labels is $33.53 (U.S. Bureau of Labor Statistics, ''Employer Costs for Employee Compensation,'' December 2016, Table 9, total compensation for all sales and office workers in goods-producing private industries: *http://www.bls.gov/ncs/*). Therefore, the estimated annual cost to industry associated with the labeling requirements is $3,286 ($33.53 per hour × 98 hours). No operating, maintenance, or capital costs are associated with the collection.

Section 9.1 of ASTM F2640–17$^{\varepsilon 1}$ requires instructions to be supplied with the product. Under the OMB's regulations (5 CFR 1320.3(b)(2)), the time, effort, and financial resources necessary to comply with a collection of information that would be incurred by persons in the ''normal course of their activities'' are excluded from a burden estimate, where an agency demonstrates that the disclosure activities required to comply are ''usual and customary.'' We are unaware of booster seats that generally require use instructions but lack such instructions. Therefore, we tentatively estimate that no burden hours are associated with section 9.1 of ASTM F2640–17$^{\varepsilon 1}$, because any burden associated with supplying instructions with booster seats would be ''usual and customary'' and not within the definition of ''burden'' under the OMB's regulations.

Based on this analysis, the proposed standard for booster seats would impose a burden to industry of 98 hours at a cost of $3,286 annually.

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we have submitted the information collection requirements of this rule to the OMB for review. Interested persons are requested to submit comments regarding information collection by June 19, 2017, to the Office of Information and Regulatory Affairs, OMB (see the **ADDRESSES** section at the beginning of this notice).

Pursuant to 44 U.S.C. 3506(c)(2)(A), we invite comments on:

- Whether the collection of information is necessary for the proper performance of the CPSC's functions, including whether the information will have practical utility;
- the accuracy of the CPSC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- ways to enhance the quality, utility, and clarity of the information to be collected;
- ways to reduce the burden of the collection of information on respondents, including the use of automated collection techniques, when appropriate, and other forms of information technology; and
- the estimated burden hours associated with label modification, including any alternative estimates.

XIII. Preemption

Section 26(a) of the CPSA, 15 U.S.C. 2075(a), provides that when a consumer product safety standard is in effect and applies to a product, no state or political subdivision of a state may either establish or continue in effect a standard or regulation that prescribes requirements for the performance, composition, contents, design, finish, construction, packaging, or labeling of such product dealing with the same risk of injury unless the state requirement is identical to the federal standard. Section 26(c) of the CPSA also provides that states or political subdivisions of states may apply to the Commission for an exemption from this preemption under certain circumstances. Section 104(b) of the CPSIA refers to the rules to be issued under that section as ''consumer product safety rules.'' Therefore, the preemption provision of section 26(a) of the CPSA would apply to a rule issued under section 104.

XIV. Request for Comments

This NPR begins a rulemaking proceeding under section 104(b) of the CPSIA to issue a consumer product safety standard for booster seats, and to amend part 1112 to add booster seats to the list of children's product safety rules for which the CPSC has issued an NOR. We invite all interested persons to submit comments on any aspect of this proposal. In addition to requests for specific comments elsewhere in this NPR, the Commission requests comments on the differences between home-use and food-service booster seats and the ability of each type of booster seat to meet the requirements in the proposed booster seat standard, the proposed effective date, and the costs of compliance with, and testing to, the proposed booster seats standard. During the comment period, ASTM F2640–17$^{\varepsilon 1}$, *Standard Consumer Safety Specification for Booster Seats,* is available as a read-only document at: *http://www.astm.org/cpsc.htm.*

Comments should be submitted in accordance with the instructions in the **ADDRESSES** section at the beginning of this notice.

List of Subjects

16 CFR Part 1112

Administrative practice and procedure, Audit, Consumer protection, Reporting and recordkeeping requirements, Third party conformity assessment body.

16 CFR Part 1237

Consumer protection, Imports, Incorporation by reference, Infants and children, Labeling, Law enforcement, and Toys.

For the reasons discussed in the preamble, the Commission proposes to amend Title 16 of the Code of Federal Regulations as follows:

PART 1112—REQUIREMENTS PERTAINING TO THIRD PARTY CONFORMITY ASSESSMENT BODIES

■ 1. The authority citation for part 1112 continues to read as follows:

Authority: 15 U.S.C. 2063; Pub. L. 110–314, section 3, 122 Stat. 3016, 3017 (2008).

■ 2. Amend § 1112.15 by adding paragraph (b)(47) to read as follows:

§ 1112.15 When can a third party conformity assessment body apply for CPSC acceptance for a particular CPSC rule or test method?

* * * * *

(b) * * *

(47) 16 CFR part 1237, Safety Standard for Booster Seats.

* * * * *

■ 3. Add part 1237 to read as follows:

PART 1237—SAFETY STANDARD FOR BOOSTER SEATS

Sec.
1237.1 Scope.
1237.2 Requirements for booster seats.

Authority: Sec. 104, Pub. L. 110–314, 122 Stat. 3016 (August 14, 2008); Sec. 3, Pub. L. 112–28, 125 Stat. 273 (August 12, 2011).

§ 1237.1 Scope.

This part establishes a consumer product safety standard booster seats.

§ 1237.2 Requirements for booster seats.

Each booster seat must comply with all applicable provisions of ASTM F2640–17$^{\varepsilon 1}$, Standard Consumer Safety Specification for Booster Seats

(approved on March 1, 2017). The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from ASTM International, 100 Bar Harbor Drive, P.O. Box 0700, West Conshohocken, PA 19428; *http://www.astm.org/cpsc.htm.* You may inspect a copy at the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923, or 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_federalregulations/ibr_locations.html.*

Dated: May 15, 2017.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2017–10044 Filed 5–18–17; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2017–0334]

RIN 1625–AA08

Special Local Regulation; Commencement Bay, Tacoma, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary special local regulation for certain waters of Commencement Bay for the 2017 World Water Ski Racing Championships. This action is necessary to safeguard participants and spectators from the hazards associated with race events and to ensure public safety during the duration of the events on Commencement Bay near Tacoma, WA, during the 2017 World Water Ski Racing Championships on July 29, 31, and August 2, 2017. This special local regulation prohibits non-participant persons and vessels from entering, transiting through, anchoring in, or remaining within the race area and prohibits vessels from transiting at speeds that cause wake within the spectator area unless authorized by the Captain of the Port Puget Sound or a Designated Representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 19, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0334 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Petty Officer Zachary Spence, Sector Puget Sound Waterways Management Branch, U.S. Coast Guard; telephone 206–217–6051, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On December 8, 2016, Overload Productions notified the Coast Guard that it intends on conducting a high speed water ski race on Commencement Bay. Approximately 40 motor boats and water skiers will be participating in the races and operating at high speeds with limited maneuverability, which poses a significant hazard to race participants and other boaters. In addition the event sponsors anticipate a potential small number of on-water spectators to be present during the races.

The purpose of this rulemaking is to ensure the safety of vessels and participants in the race as well as spectators and the maritime public. The rulemaking would accomplish this purpose by establishing two regulated areas before, during, and after the scheduled event, one for race participants, and one for spectators and the maritime public. Many factors amplify the potential hazards of the race, including limited maneuverability of the race participants, commercial vessel traffic, and the number of local recreational and fishing vessels. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1233.

III. Discussion of Proposed Rule

This proposed rule would create a temporary special local regulation on certain waters of Commencement Bay in Tacoma, WA for the 2017 World Water Ski Racing Championships. This special local regulation would establish two separate regulated areas, a race area and a spectator area. Within the race area, all persons and vessels, except those persons and vessels participating in the high-speed water ski races, are prohibited from entering, transiting through, anchoring in, or remaining within. Within the spectator area, all vessels are prohibited from anchoring and are required to transit at the minimum speed necessary to maintain course, minimizing vessels wake, unless authorized by the Captain of the Port Puget Sound or a Designated Representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

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

As this proposed rule is not a significant regulatory action, this rule is

exempt from the requirements of Executive Order 13771. *See* OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

This regulatory action determination is based on the size, location, duration, and time-of-day of the Special Local Regulation. Vessel traffic would be able to safely transit around race area or through the spectator area which would only impact a small designated area of Commencement Bay for less than nine hours during the days of event. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the regulated areas.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a special local regulation lasting for nine hours on each day the event occurs and would prohibit entry into the race area and restrict movement within the spectator area. Normally such actions are categorically excluded from further review under section 2.B.2, and figure 2–1, paragraph 34(h) of the Instruction. Paragraph 34(h) pertains to special local regulations issued in conjunction with a regatta or marine parade. This rule is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. A preliminary Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

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

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Add § 100.T13–0334 to read as follows:

§ 100.T13–0334 Special Local Regulation; Commencement Bay, Tacoma, WA

(a) *Location.* The special local regulations found in paragraph (c) apply in the following areas.

(1) *Race Area.* All waters of Commencement Bay encompassed within an imaginary line connecting the following coordinates: Starting at point 1 in position 47°18′9.6″ N., 122°30′23.6″ W.; thence northeast to Point 2 in position 47°18′15.2″ N., 122°30′14.4″ W.; thence east to Point 3 in position 47°18′15.2″ N., 122°28′46.7″ W.; thence south to Point 4 in position 47°17′20.1″ N., 122°28′46.9″ W.; thence southwest to Point 5 in position 47°17′5.5″ N., 122°29′6.4″ W.; thence northwest back to origin.

(2) *Spectator Area.* All waters of Commencement Bay encompassed within an imaginary line connecting the following points: Starting at Point 1 in position 47°18′15.2″ N., 122°28′46.7″ W.; thence east to Point 2 in position 47°17′20.1″ N., 122°28′46.9″ W.; thence south to Point 3 in position 47°17′19.8″ N., 122°28′38.1″ W.; thence west to Point 4 in position 47°18′15.5″ N., 122°28′46.1″ W.; thence north back to origin.

(b) *Definitions.* For the purpose of this section the following definitions apply:

Designated representative means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Puget Sound (COTP) in the enforcement of the regulated areas identified in paragraph (a)(1) and (a)(2) of this section.

Patrol Vessel means any Coast Guard vessel, Coast Guard Auxiliary vessel, or other federal, state or local law enforcement vessel.

(c) *Special Local Regulations.* (1) All persons and vessels, except those persons and vessels participating in the high-speed water ski races, are prohibited from entering, transiting through, anchoring in, or remaining within the race area.

(2) All persons and vessels entering, exiting, or moving within the spectator area must operate at speeds, which will create a minimum wake, and will not exceed seven knots. The maximum speed may be reduced at the discretion of the Patrol Commander.

(3) A succession of sharp, short signals by whistle or horn from a Patrol Vessel will serve as a signal to stop. Vessels signaled must stop and comply with the orders of the Patrol Vessel. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(4) Persons and vessels desiring to enter, transit through, anchor in, remain within or transit in excess of wake speed within any of the regulated areas must contact the Captain of the Port Puget Sound by telephone at (206) 217–6002, or a designated representative via VHF–FM radio on channel 16 to request authorization. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Puget Sound or a designated representative.

(d) *Notice of Enforcement.* The Coast Guard will provide notice of the enforcement of this Special Local Regulation by all appropriate means to ensure the widest dissemination among the public, as practicable; such means of notification may include but are not limited to, Broadcast Notice to Mariners, Local Notice to Mariners, and by on-scene designated representatives.

(e) *Enforcement Period.* This rule is effective from 9 a.m. to 6 p.m. on July 29, 31, and August 2, 2017, unless cancelled sooner by the Captain of the Port Puget Sound.

Dated: May 5, 2017.

B.C. McPherson,

CAPT, U.S. Coast Guard, Acting Commander, Thirteenth Coast Guard District.

[FR Doc. 2017–10212 Filed 5–18–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2017–0129; FRL–9961–28–Region 6]

Approval and Promulgation of Implementation Plans; Louisiana; Regional Haze State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to approve a portion of a revision to the Louisiana State Implementation Plan (SIP) submitted by the State of Louisiana through the Louisiana Department of Environmental Quality (LDEQ) on February 10, 2017, that addresses regional haze requirements for the first planning period. LDEQ submitted this SIP revision to address deficiencies identified by the EPA in a previous action. The EPA is proposing to approve the majority of the SIP revision, which addresses the CAA requirement that certain categories of existing major stationary sources built between 1962 and 1977 procure and install the Best Available Retrofit Technology (BART), while deferring action on LDEQ's BART determination for a single facility. Specifically, the EPA is proposing to approve most of LDEQ's BART evaluations and conclusions for Louisiana's BART-eligible electric generating unit (EGU) sources and to approve LDEQ's sulfur-dioxide (SO_2) and particulate-matter (PM) emission limits for those sources that are subject to BART. The EPA is also proposing to approve Louisiana's reliance on the Cross-State Air Pollution Rule (CSAPR) trading program for ozone-season nitrogen oxides (NO_X) as a permissible alternative to source-specific NO_X BART emission limits. This action is being taken under sections 110 and 169A of the CAA.

DATES: Written comments must be received on or before June 19, 2017.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2017–0129, at *http://www.regulations.gov* or via email to *R6_LA_BART@epa.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information

you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact Jennifer Huser, *huser.jennifer@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

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

FOR FURTHER INFORMATION CONTACT: Jennifer Huser, 214–665–7347, *huser.jennifer@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Jennifer Huser or Mr. Bill Deese at 214–665–7253.

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

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I. Background

A. The Regional Haze Program

Regional haze is visibility impairment that is produced by a multitude of sources and activities that are located across a broad geographic area and emit fine particulates ($PM_{2.5}$) (*e.g.,* sulfates, nitrates, organic carbon (OC), elemental carbon (EC), and soil dust), and their precursors (*e.g.,* sulfur dioxide (SO_2), nitrogen oxides (NO_X), and in some cases, ammonia (NH_3) and volatile organic compounds (VOCs)). Fine particle precursors react in the atmosphere to form $PM_{2.5}$, which impairs visibility by scattering and absorbing light. Visibility impairment reduces the clarity, color, and visible distance that can be seen. $PM_{2.5}$ can also cause serious adverse health effects and mortality in humans; it also contributes to environmental effects such as acid deposition and eutrophication.

Data from the existing visibility monitoring network, ''Interagency Monitoring of Protected Visual Environments'' (IMPROVE), shows that visibility impairment caused by air pollution occurs virtually all the time at most national parks and wilderness areas. In 1999, the average visual range in many Class I areas (*i.e.,* national parks and memorial parks, wilderness areas, and international parks meeting certain size criteria) in the western United States was 100–150 kilometers, or about one-half to two-thirds of the visual range that would exist without anthropogenic air pollution. In most of the eastern Class I areas of the United States, the average visual range was less than 30 kilometers, or about one-fifth of the visual range that would exist under estimated natural conditions. CAA programs have reduced some haze-causing pollution, lessening some visibility impairment and resulting in partially improved average visual ranges.

CAA requirements to address the problem of visibility impairment continue to be implemented. In Section 169A of the 1977 Amendments to the CAA, Congress created a program for protecting visibility in the nation's national parks and wilderness areas. This section of the CAA establishes as a national goal the prevention of any future, and the remedying of any existing, man-made impairment of visibility in 156 national parks and wilderness areas designated as mandatory Class I Federal areas. On December 2, 1980, EPA promulgated regulations to address visibility impairment in Class I areas that is ''reasonably attributable'' to a single source or small group of sources, *i.e.,* ''reasonably attributable visibility impairment.'' These regulations represented the first phase in addressing visibility impairment. EPA deferred action on regional haze that emanates from a variety of sources until monitoring, modeling, and scientific knowledge about the relationships between pollutants and visibility impairment were improved.

Congress added section 169B to the CAA in 1990 to address regional haze issues, and EPA promulgated regulations addressing regional haze in 1999. The Regional Haze Rule revised the existing visibility regulations to add provisions addressing regional haze impairment and established a comprehensive visibility protection program for Class I areas. The requirements for regional haze, found at 40 CFR 51.308 and 51.309, are included in our visibility protection regulations at 40 CFR 51.300–309. The requirement to submit a regional haze SIP applies to all 50 states, the District of Columbia, and the Virgin Islands. States were required to submit the first implementation plan addressing regional haze visibility impairment no later than December 17, 2007.

Section 169A of the CAA directs states to evaluate the use of retrofit controls at certain larger, often under-controlled, older stationary sources in order to address visibility impacts from these sources. Specifically, section 169A(b)(2)(A) of the CAA requires states to revise their SIPs to contain such measures as may be necessary to make reasonable progress toward the natural visibility goal, including a requirement that certain categories of existing major stationary sources built between 1962 and 1977 procure, install and operate the ''Best Available Retrofit Technology'' (BART). Larger ''fossil-fuel fired steam electric plants'' are one of these source categories. Under the Regional Haze Rule, states are directed to conduct BART determinations for ''BART-eligible'' sources that may be anticipated to cause or contribute to any visibility impairment in a Class I area. The evaluation of BART for electric generating units (EGUs) that are located at fossil-fuel fired power plants having a generating capacity in excess of 750 megawatts must follow the ''Guidelines for BART Determinations Under the Regional Haze Rule'' at appendix Y to 40 CFR part 51 (hereinafter referred to as the ''BART Guidelines''). Rather than

requiring source-specific BART controls, states also have the flexibility to adopt an emissions trading program or other alternative program as long as the alternative provides for greater progress towards improving visibility than BART.

B. Our Previous Actions on Louisiana Regional Haze

On June 13, 2008, Louisiana submitted a SIP to address regional haze (2008 Louisiana Regional Haze SIP or 2008 SIP revision). We acted on that submittal in two separate actions. Our first action was a limited disapproval [1] because of deficiencies in the state's regional haze SIP submittal arising from the remand by the U.S. Court of Appeals for the District of Columbia of the Clean Air Interstate Rule (CAIR). Our second action was a partial limited approval/partial disapproval [2] because the 2008 SIP revision met some but not all of the applicable requirements of the CAA and our regulations as set forth in sections 169A and 169B of the CAA and 40 CFR 51.300–308, but as a whole, the 2008 SIP revision strengthened the SIP. On August 11, 2016, Louisiana submitted a SIP revision to address the deficiencies related to BART for four non-EGU facilities. We proposed to approve that revision on October 27, 2016.[3] On February 10, 2017, Louisiana submitted a SIP revision intended to address the deficiencies related to BART for EGU sources (2017 Louisiana Regional Haze SIP or 2017 SIP revision), a portion of which is the subject of this proposed action.

C. CSAPR as an Alternative to Source-Specific NO_X BART

In 2005, the EPA published CAIR, which required 28 states and the District of Columbia to reduce emissions of SO_2 and NO_X that significantly contribute to or interfere with maintenance of the 1997 national ambient air quality standards (NAAQS) for fine particulates and/or 8-hour ozone in any downwind state.[4] EPA demonstrated that CAIR would achieve greater reasonable progress toward the national visibility goal than would BART; and therefore, states could rely on CAIR as an alternative to EGU BART for SO_2 and NO_X.[5]

Louisiana's 2008 Regional Haze SIP relied on participation in CAIR as an alternative to meeting the source-specific EGU BART requirements for SO_2 and NO_X.[6] Shortly after Louisiana submitted its SIP to us, however, the D.C. Circuit remanded CAIR (without vacatur).[7] The court thereby left CAIR and CAIR Federal Implementation Plans (FIPs) in place in order to ''temporarily preserve the environmental values covered by CAIR'' until we could, by rulemaking, replace CAIR consistent with the court's opinion.[8] In 2011, we promulgated the Cross-State Air Pollution Rule (CSAPR) to replace CAIR.[9] While EGUs in Louisiana were required to participate in CAIR for both SO_2 and NO_X, Louisiana EGUs are only included in CSAPR for ozone-season NO_X.[10]

In 2012, we issued a limited disapproval of Louisiana's and several other states' regional haze SIPs because of reliance on CAIR as an alternative to EGU BART for SO_2 and/or NO_X.[11] We also determined that CSAPR would provide for greater reasonable progress than BART and amended the Regional Haze Rule to allow CSAPR participation as an alternative to source-specific SO_2 and/or NO_X BART for EGUs, on a pollutant-specific basis.[12] Because Louisiana EGUs are included in CSAPR for NO_X, Louisiana can rely on CSAPR better than BART for NO_X. However, Louisiana's regional haze program must include source-by-source EGU BART demonstrations for all other visibility impairing pollutants, namely, SO_2 and PM.

CSAPR has been subject to extensive litigation, and on July 28, 2015, the D.C. Circuit issued a decision generally upholding CSAPR but remanding without vacating the CSAPR emissions budgets for a number of states.[13] We are in the process of responding to the remand of these CSAPR budgets. On October 26, 2016, we finalized an update to the CSAPR rule that addresses the 1997 ozone NAAQS portion of the remand and the CAA requirements addressing interstate transport for the 2008 ozone NAAQS.[14] Additionally, three states, Alabama, Georgia, and South Carolina, have adopted or committed to adopt SIPs to replace the remanded FIPs and will continue the states' participation in the CSAPR program on a voluntary basis with the same budgets. On November 10, 2016, we proposed a rule intended to address the remainder of the court's remand as it relates to Texas.[15] This separate proposed rule includes an assessment of the impacts of the set of actions that the EPA has taken or expects to take in response to the D.C. Circuit's remand on our 2012 demonstration that participation in CSAPR provides for greater reasonable progress than BART. Based on that assessment, the EPA proposed that states may continue to rely on CSAPR as being better than BART on a pollutant-specific basis.

II. Our Evaluation of Louisiana's BART Analysis

A. Identification of BART-Eligible Sources

In our partial disapproval and partial limited approval of the 2008 Louisiana Regional Haze SIP, we approved LDEQ's identification of 76 BART-eligible sources.[16] Table 1 lists the EGU sources that were identified in the 2008 Louisiana Regional Haze SIP submittal as BART-eligible.

TABLE 1—IDENTIFICATION OF BART-ELIGIBLE EGU SOURCES

Facility name	Units	Parish
Cleco Rodemacher/Brame	Nesbitt I (Unit 1), Rodemacher II (Unit 2).	Rapides.

[1] 77 FR 33642 (June 7, 2012).

[2] 77 FR 39425 (July 3, 2012).

[3] 81 FR 74750 (October 27, 2016).

[4] 70 FR 25161 (May 12, 2005).

[5] 70 FR 39104, 39139 (July 6, 2005).

[6] *See* 40 CFR 51.308(e)(4) (2006).

[7] The court decided to vacate CAIR on July 11, 2008, and revised its decision, so as to remand the rule without vacatur, on December 23, 2008. *North Carolina* v. *EPA,* 531 F.3d 896, 901 (D.C. Cir. 2008), *modified,* 550 F.3d 1176 (D.C. Cir. 2008).

Louisiana's initial Regional Haze SIP was submitted on June 13, 2008. 77 FR 39425.

[8] 550 F.3d at 1178.

[9] 76 FR 48207 (August 8, 2011).

[10] 76 FR 82219, at 82226 (December 30, 2011).

[11] The limited disapproval triggered the EPA's obligation to issue a FIP or approve a SIP revision to correct the relevant deficiencies within 2 years of the final limited disapproval action. CAA section 110(c)(1); 77 FR 33642, at 33654 (August 6, 2012).

[12] While that rulemaking also promulgated FIPs for several states to replace reliance on CAIR with reliance on CSAPR as an alternative to BART, it did not include a FIP for Louisiana. 77 FR 33642, 33654.

[13] Louisiana's ozone season NO_X budgets were not included in the remand. *EME Homer City Generation* v. *EPA,* 795 F.3d 118, 138 (D.C. Cir. 2015).

[14] 81 FR74504 (October 26, 2016).

[15] 81 FR 78954 (November 10, 2016).

[16] See 77 FR 11839 at 11848 (February 28, 2012).

TABLE 1—IDENTIFICATION OF BART-ELIGIBLE EGU SOURCES—Continued

Facility name	Units	Parish
Cleco Teche	Unit 3	St. Mary.
Entergy Sterlington	Unit 7	Ouachita.
Entergy Michoud	Units 2 and 3	Orleans.
Entergy Waterford	Units 1, 2, and auxiliary boiler	St. Charles.
Entergy Willow Glen	Units 2, 3, 4, 5, auxiliary boiler	Iberville.
Entergy Ninemile Point	Units 4 and 5	Jefferson.
Entergy Nelson*	Units 4, 6, and auxiliary boiler	Calcasieu.
Entergy Little Gypsy	Units 2, 3, and auxiliary boiler	St. Charles.
Louisiana Generating (NRG) Big Cajun I	Units 1 and 2	Point Coupee.
Louisiana Generating (NRG) Big Cajun II	Units 1 and 2	Point Coupee.
Louisiana Energy and Power Authority Plaquemine Steam Plant	Boilers 1 and 2	Iberville.
Louisiana Energy and Power Authority Morgan City Steam Plant	Units 1, 2, 3, and 4 boilers	St. Mary/St. Martin.
City of Ruston—Ruston Electric Generating Plant	Boilers 1, 2, and 3	Lincoln.
Lafayette Utilities System Louis "Doc" Bonin Electric Generating Station	Units 1, 2, and 3	Lafayette.
Terrebonne Parish Consolidated Government Houma Generating Station	Units 15 and 16	Terrebonne.
City of Natchitoches Utility Department	3 boilers	Natchitoches.

*We are not acting on BART determinations for Entergy Nelson in this action. We will address BART for Entergy Nelson in a future rulemaking.

B. Evaluation of Which Sources Are Subject to BART

Because Louisiana's 2008 Regional Haze SIP relied on CAIR as better than BART for EGUs, the submittal did not include a determination of which BART-eligible EGUs were subject to BART. On May 19, 2015, we sent CAA Section 114 letters to several BART-eligible sources in Louisiana. In those letters, we noted our understanding that the sources were actively working with LDEQ to develop a SIP. However, in order to be in a position to develop a FIP should that be necessary, we requested information regarding the BART-eligible sources. The Section 114 letters required sources to conduct modeling to determine if the sources were subject to BART, and included a modeling protocol. The letters also requested that a BART analysis be performed in accordance with the BART Guidelines for those sources determined to be subject to BART. We worked closely with those BART-eligible facilities and with LDEQ to this end, and all the information we received from the facilities was also sent to LDEQ. As a result, the LDEQ submitted a revised SIP submittal on February 10, 2017, that evaluates BART-eligible EGUs in the State and provides a BART determination for each such source for all visibility impairing pollutants except NO_X. This proposal addresses the entire 2017 Louisiana Regional Haze SIP, but for the portion concerning one BART-eligible EGU facility, specifically the Entergy Nelson facility. We will propose action on the Entergy Nelson portion of the SIP at a later date. We note that Louisiana unintentionally omitted discussion of two BART-eligible facilities in its 2017 Louisiana Regional Haze SIP: Terrebonne Parish Consolidated Government Houma Generating Station and Louisiana Energy and Power Authority Plaquemine Steam Plant. We will address these two sources in the model plant analysis section below.

C. Sources That Are No Longer in Operation

Several sources that were identified as BART-eligible have since retired from operation, rendering them no longer subject to the requirements of the Regional Haze Rule. For the units identified in the Table 2, the LDEQ provided documentation supporting permit rescissions to make these retirements permanent and enforceable.[17]

TABLE 2—RETIRED SOURCES

Facility name	Units	Parish
Louisiana Energy and Power Authority, Morgan City Steam Plant	Units 1, 2, 3, and 4 boilers	St. Mary/St. Martin.
City of Ruston, Ruston Electric Generating Plant	Boilers 1, 2, and 3	Lincoln.
City of Natchitoches Utility Department	3 boilers	Natchitoches.

In addition, Entergy Michoud Units 2 and 3 were identified as BART-eligible, but are no longer in operation. By letter dated August 10, 2016, Entergy System Operating Committee elected to permanently retire Michoud Units 2 and 3, effective June 1, 2016. This action was described in detail through a permit application to the state. As of the time of this proposal, LDEQ has not yet finalized that permit. The 2017 Louisiana Regional Haze SIP includes the Air Permit Briefing Sheet that confirms Entergy's request to remove Units 2 and 3 from the permit.[18] We propose to approve the SIP based on the draft permit, and note that we expect the proposed permit removing Units 2 and 3 to be final before we take final action to approve this portion of the 2017 Louisiana Regional Haze SIP. Alternatively, LDEQ could submit another enforceable document to ensure that Units 2 and 3 cannot restart without a BART analysis and emission limits, or demonstrate the units have been deconstructed to the point that they cannot restart without obtaining a new NSR permit, making them not operational during the timeframe for BART eligibility.

[17] See Appendix E of the 2017 Louisiana Regional Haze SIP for supporting documentation and the TSD for this action for additional information.

[18] See Appendix D of the 2017 Louisiana Regional Haze SIP.

D. Sources That Screened Out of BART

Once a list of BART-eligible sources still in operation within a state has been compiled, the state must determine whether to make BART determinations for all of them or to consider exempting some of them from BART because they are not reasonably anticipated to cause or contribute to any visibility impairment in a Class I area. The BART Guidelines present several options that rely on modeling analyses and/or emissions analyses to determine if a source is not reasonably anticipated to cause or contribute to visibility impairment in a Class I area. A source that is not reasonably anticipated to cause or contribute to any visibility impairment in a Class I area is not ''subject to BART,'' and for such sources, a state need not apply the five statutory factors to make a BART determination.[19] Those sources are determined to be not subject to BART. Sources that are reasonably anticipated to cause or contribute to any visibility impairment in a Class I area are subject to BART.[20] For each source subject to BART, 40 CFR 51.308(e)(1)(ii)(A) requires that the LDEQ identify the level of control representing BART after considering the factors set out in CAA section 169A(g)(2). To determine which sources are anticipated to contribute to visibility impairment, the BART Guidelines state ''you can use CALPUFF or other appropriate model to estimate the visibility impacts from a single source at a Class I area.'' [21]

1. Visibility Impairment Threshold

The preamble to the BART Guidelines advises that, ''for purposes of determining which sources are subject to BART, States should consider a 1.0 deciview [22] change or more from an individual source to 'cause' visibility impairment, and a change of 0.5 deciviews to 'contribute' to impairment.'' [23] It further advises that ''States should have discretion to set an appropriate threshold depending on the facts of the situation,'' and describes situations in which states may wish to exercise that discretion, mainly in situations in which a number of sources in an area are all contributing fairly equally to the visibility impairment of a Class I area. In Louisiana's 2008 Regional Haze SIP submittal, the LDEQ used a contribution threshold of 0.5 dv for determining which sources are subject to BART, and we approved this threshold in our previous action.[24] The 2017 SIP revision includes a full five factor BART determination for each of the State's BART-eligible EGUs whose visibility impacts exceed the 0.5 dv threshold.

2. Model Plant Analysis

As part of our development of the BART Guidelines, we developed analyses of model plants with representative plume and stack characteristics for both EGU and non-EGU sources using the CALPUFF model.[25] As we discuss in the BART Guidelines,[26] based on those analyses, we believe that sources that emit less than 1,000 tons per year of NO_X and SO_2 and that are located more than 100 km from any Class I area can be exempted from the BART determination. The BART Guidelines note that the model plant concept can be extended using additional modeling analyses to ratios of emission levels and distances other than 1,000 tons/100 km. The BART Guidelines explain that: ''you may find based on representative plant analyses that certain types of sources are not reasonably anticipated to cause or contribute to visibility impairment. To do this, you may conduct your own modeling to establish emission levels and distances from Class I areas on which you can rely to exempt sources with those characteristics.'' [27] Modeling analyses of representative plants are used to reflect groupings of specific sources with important common characteristics.

As we mention above, we note that Louisiana unintentionally omitted discussion of two BART-eligible facilities in its 2017 Louisiana Regional Haze SIP: Terrebonne Parish Consolidated Government Houma Generating Station (Houma) and Louisiana Energy and Power Authority Plaquemine Steam Plant (Plaquemine). However, Louisiana's 2008 Regional Haze SIP submittal identified these two sources as BART-eligible, and we approved the inclusion of these two sources on that list in 2012.[28] The LDEQ has indicated that it inadvertently failed to address whether these two sources are subject to BART in the 2017 Regional Haze SIP. These two sources were included in its 2008 Regional Haze SIP, but Louisiana relied on CAIR better than BART coverage for these sources when they adopted their 2008 SIP. Therefore, we have evaluated these two sources based on available information to determine whether they are subject to BART. We are not relying on the 1000 tpy/100 km model plant approach but are instead relying on existing modeling included in the 2008 Louisiana Regional Haze SIP as being a representative plant analysis for the purpose of establishing emission levels and distances to exempt BART-eligible sources. Specifically, the 2008 Louisiana Regional Haze SIP included review of CALPUFF modeling of a source owner, Valero, which demonstrated that Valero's BART-eligible sources do not cause or contribute to visibility impairment at the nearby Class I area, Breton National Wildlife Refuge (Breton). The Valero plant is representative (similar stack height and parameters) of the Houma and Plaquemine sources and can therefore be relied on in a model plant analysis to demonstrate that, based on baseline emissions and distance to the Class I area, the Houma and Plaquemine sources are not anticipated to cause or contribute to visibility impairment at Breton and are therefore not subject to BART.[29] We analyzed the ratio of visibility impairing pollutants, denoted as 'Q' (NO_X, SO_2, and PM–10 in tons/year) [30] to the distance, denoted as 'D' (distance of source to Breton in km). For example, if two sources were similar but one has a lower Q/D value, the lower ratio value (either due to lower emissions and/or greater distance) would be expected to have smaller visibility impacts at Breton. The Q/D ratio for Houma and Plaquemine are significantly lower compared to Valero's ratio (See Table 3). The Q/D ratios of Houma are approximately 20% of Valero's, and Plaquemine's ratio is less than 10% of Valero's Q/D ratio, and modeled impacts of the Valero source were less than the 0.5 dv threshold.

[19] See 40 CFR part 51, Appendix Y, III, How to Identify Sources ''Subject to BART''.

[20] *Id.*

[21] See 40 CFR part 51, Appendix Y, III, How to Identify Sources ''Subject to BART''.

[22] As we note in the Regional Haze Rule (64 FR 35725, July 1, 1999), the ''deciview'' or ''dv'' is an atmospheric haze index that expresses changes in visibility. This visibility metric expresses uniform changes in haziness in terms of common increments across the entire range of visibility conditions, from pristine to extremely hazy conditions.

[23] 70 FR 39104, 39120 (July 6, 2005), [40 CFR part 51, Appendix Y].

[24] See, 77 FR 11839, 11849 (February 28, 2012).

[25] CALPUFF Analysis in Support of the June 2005 Changes to the Regional Haze Rule, U.S. Environmental Protection Agency, June 15, 2005, Docket No. OAR–2002–0076.

[26] 70 FR 39119 (July 6, 2005).

[27] 70 FR 39163 (July 6, 2005).

[28] See Appendix E of the 2008 Louisiana RH SIP contained in the docket for the rulemaking at: 77 FR 11839, 11848.

[29] See 40 CFR part 51 Appendix Y.

[30] To calculate Q, the maximum 24-hr emissions for NO_X, SO_2 and PM from the 2000–2004 baseline were identified for each BART-eligible unit at a source (See Table 9.3 of the 2008 Louisiana RH SIP). Emissions are not paired in time (*i.e.* max 24-hour NO_X emissions value would not usually be on the same day as max 24-hour SO_2 emissions). The sum of these daily max NO_X, PM and SO_2 emissions were summed and then multiplied by 365 days.

Therefore, the data demonstrates that visibility impacts from the BART-eligible units at Houma and Plaquemine are reasonably anticipated to be less than the modeled impacts from Valero and less than the 0.5 dv threshold to screen out. See the CALPUFF Modeling TSD for additional discussion of the model plant analysis.

We also note that on December 11, 2015, the Lafayette Utilities System Louis ''Doc'' Bonin Generating Station advised our Clean Air Markets Division that: Unit 1 last operated on June 22, 2011, and was put into cold storage on June 1, 2013; Unit 2 last operated on July 5, 2013, and was put into cold storage on June 29, 2014; and Unit 3 last operated on August 27, 2013, and was put into cold storage on June 24, 2014. The Midcontinent Independent System Operator (MISO) is currently conducting a study to predict the future use of these unit(s) for peaking purposes. If it is determined that these units are no longer necessary to facilitate electrical power generation, they will be retired.[31] However, at this time Lafayette Utilities System has not yet submitted a request to rescind the permit for the Louis ''Doc'' Bonin Electric Generating Station. Because placing the units in cold storage is not a permanent and enforceable closure under the Regional Haze requirements, we included Louis ''Doc'' Bonin in our model plant analysis. The Q/D ratio for Louis ''Doc'' Bonin is significantly lower compared to Valero's Q/D ratio (See Table 3). The ratio is less than 40% of Valero's ratio and modeled impacts of the Valero source were less than the 0.5 dv threshold, which demonstrates that visibility impairment from the BART-eligible units at Louis ''Doc'' Bonin are reasonably anticipated to be less than the modeled impacts from Valero and below the 0.5 dv threshold to screen out. The model plant analysis demonstrates that, based on baseline emissions, the source is not anticipated to cause or contribute to visibility impairment of any Class I area, and is therefore not subject to BART. See the CALPUFF Modeling TSD for additional discussion of the model plant analysis. Because the modeling results demonstrate that Louis ''Doc'' Bonin is not subject to BART, we propose to approve this portion of the 2017 Louisiana Regional Haze SIP.

TABLE 3—MODEL PLANT Q/D RATIOS

Facility	NO_X (TPY)	SO_X (TPY)	PM (TPY)	Facility emissions (TPY)	Distance to Breton (km)	Q/D (TPY/km)	Max percentile Delta DV
Terrebonne Parish Consolidated Government Houma Generating Station	909.8	3.65	7.3	930.75	165	5.64	
Louisiana Energy and Power Authority Plaquemine Steam Plant	492.75	0	0	492.75	227.1	2.17	
Lafayette Utilities System Louis "Doc" Bonin Electric Generating Station	2993	7.3	109.5	3109.8	298.9	10.04	
Valero	1876	1091	401.5	3368.5	139.3	24.18	0.484

Based on the results of this analysis, we propose that the BART-eligible sources identified in Table 4 are not reasonably anticipated to cause or contribute to the visibility impairment at a Class I area and are not subject to BART.

TABLE 4—SOURCES SCREENED OUT USING MODEL PLANT ANALYSIS

Facility Name	Units	Parish
Louisiana Energy and Power Authority Plaquemine Steam Plant	Boilers 1 and 2	Iberville.
Lafayette Utilities System Louis "Doc" Bonin Electric Generating Station	Units 1, 2, and 3	Lafayette.
Terrebonne Parish Consolidated Government Houma Generating Station	Units 15 and 16	Terrebonne.

3. CALPUFF Modeling To Screen Out Sources

Some sources were modeled directly with CALPUFF to determine whether the BART-eligible source causes or contributes to visibility impairment in nearby Class I areas. The maximum 98th percentile impact from the modeled years (calculated based on annual average natural background conditions) was compared with the 0.5 dv screening threshold following the modeling protocol described in the CALPUFF Modeling TSD. The BART Guidelines recommend that states use the 24-hour average actual emission rate from the highest emitting day of the meteorological period modeled, unless this rate reflects periods of start-up, shutdown, or malfunction. The maximum 24-hour emission rate (lb/hr) for NO_X and SO_2 from the initial baseline period (with the noted difference for Big Cajun II discussed below) for each source was identified through a review of the daily emission data for each BART-eligible unit from EPA's Air Markets Program Data.[32] See the CALPUFF Modeling TSD for additional discussion and model results for this portion of the screening analysis.

As previously discussed, LDEQ submitted its initial Regional Haze SIP in 2008 and relied on CAIR as a substitute for BART for SO_2 and NO_X for all of its BART-eligible EGUs. Due to reliance on CAIR, that SIP submittal did not include a determination of which BART-eligible EGUs were subject to BART. EPA's limited disapproval of Louisiana's Regional Haze SIP due to the State's reliance on CAIR revived Louisiana's obligation to provide a SIP to fully address EGU BART.[33] While Louisiana's 2017 Regional Haze SIP revision relies on CSAPR for EGU BART for NO_X, it does not provide an alternative to source-by-source EGU BART for SO_2 and PM. Therefore, Louisiana's 2017 Regional Haze SIP revision included modeling of the impacts of the 24-hour maximum emission rate during the 2000–2004

[31] See Appendix E of the 2017 Louisiana Regional Haze SIP.

[32] *http://ampd.epa.gov/ampd/.*

[33] 77 FR 33642 (June 7, 2012).

baseline period (with the noted exception of Big Cajun II discussed below) of all visibility-impairing pollutants from all BART-eligible units at the facility. BART-eligible sources with visibility impacts above the 0.5 dv threshold are subject to BART.

The Big Cajun II Power Plant is a coal-fired power station owned and operated by Louisiana Generating, LLC, (a subsidiary of NRG Energy). In our prior action on the 2008 Regional Haze SIP submittal, we approved Louisiana's determination that Big Cajun II has two BART-eligible units, Unit 1 and Unit 2.[34] Unit 1 is a coal-fired unit, and Unit 2 was formerly a coal-fired unit but is now a gas-fired unit. The LDEQ's screening modeling for Big Cajun II accounted for current operating conditions at the facility. The modeling analysis was conducted using the current enforceable short term emission limits from the facility that reflect controls installed after the 2008 Regional Haze SIP submittal.

On March 6, 2013, Louisiana Generating entered a consent decree (CD) with EPA, the LDEQ, and others to resolve a complaint filed against Louisiana Generating for several violations of the CAA at Big Cajun II. *U.S. et al* v. *Louisiana Generating, LLC,* Civil Action No. 09–100–JJB–RLB (M.D. La.). Among other things, the CD requires Louisiana Generating to refuel Big Cajun II Unit 2 to natural gas, and install and continuously operate dry sorbent injection (DSI) at Big Cajun II Unit 1 while maintaining a 30-day rolling average SO_2 emission rate of no greater than 0.380 lb/MMBtu by no later than April 15, 2015.[35] Prior to the submittal of the 2017 Regional Haze SIP, the LDEQ and Louisiana Generating entered into an Agreed Order on Consent (AOC) that made these existing control requirements and maximum daily emission limits permanent and enforceable for BART. The AOC is included in Louisiana's 2017 SIP revision. Thus, if the EPA finalizes its proposed approval of this portion of the SIP submittal, the control requirements and emission limits will become permanent and federally enforceable for purposes of regional haze. As these controls were not installed to meet BART requirements, and existing enforceable emission limits for Units 1 and 2 prevent the source from emitting at levels seen during the 2000–2004 baseline, LDEQ's screening modeling in the 2017 Regional Haze SIP submittal utilizes the current daily emission limits for these units in the AOC as representative of the anticipated 24-hr maximum emissions for screening modeling purposes. LDEQ's modeling demonstrates that, based on these existing controls and enforceable emission limits, Big Cajun II contributes less than 0.5 dv at all impacted Class I areas, and therefore the facility is not subject to BART.

It should be noted that in addition to requiring DSI, the applicable enforcement CD requires Louisiana Generating to retire, refuel, repower, or retrofit Big Cajun II Unit 1 by no later than April 1, 2025. Louisiana Generating must notify us of which option it will select to comply with this condition no later than December 31, 2022, and any option taken would produce significantly fewer emissions.[36]

With the use of CALPUFF modeling results, Louisiana concluded, and we are proposing to agree, that the facilities listed in Table 5 have visibility impacts of less than 0.5 dv,[37] and therefore, are not subject to BART:

TABLE 5—SOURCES WITH VISIBILITY IMPACT OF LESS THAN 0.5 dv

Facility name	Units	Parish
Cleco Teche	Unit 3	St. Mary.
Entergy Sterlington	Unit 7	Ouachita.
Louisiana Generating (NRG) Big Cajun I	Units 1 and 2	Point Coupee.
Louisiana Generating (NRG) Big Cajun II	Units 1 and 2	Pointe Coupee.

E. Subject to BART Sources

With the use of CALPUFF modeling results as discussed above, Louisiana concluded, and we are proposing to agree, that the facilities listed in Table 6 have visibility impacts greater than 0.5 dv. These facilities are therefore subject to BART and must undergo a five-factor analysis. See the CALPUFF Modeling TSD for our review of CALPUFF modeling in the 2017 Louisiana Regional Haze SIP.

TABLE 6—SUBJECT TO BART SOURCES ADDRESSED IN THIS PROPOSAL

Facility name	Units	Parish
Cleco Rodemacher/Brame	Nesbitt I (Unit 1), Rodemacher II (Unit 2).	Rapides.
Entergy Waterford	Units 1, 2, and auxiliary boiler	St. Charles.
Entergy Willow Glen	Units 2, 3, 4, 5, and auxiliary boiler	Iberville.
Entergy Ninemile Point	Units 4 and 5	Jefferson.
Entergy Little Gypsy	Units 2, 3, and auxiliary boiler	St. Charles.

We note that in addition to the CALPUFF modeling included in the 2017 Louisiana Regional Haze SIP submittal, the results of CAMx modeling performed by Trinity consultants was included in the submittal as additional screening analyses[38] that purport to demonstrate that the baseline visibility impacts from Cleco Brame and a

[34] See TSD Table 6 in the Rulemaking Docket numbered EPA–R06–OAR–2008–0510.

[35] CD paragraph 62 in the docket for this rulemaking.

[36] CD paragraph 63 in the docket for this rulemaking.

[37] In our previous action on Louisiana Regional Haze, we approved Louisiana's selection of 0.5 dv as the threshold for screening out BART-eligible sources. See 77 FR 11839, 11848.

[38] See October 10, 2016 Letter from Cleco Corporation to Vivian Aucoin and Vennetta Hayes, LDEQ, RE: Cleco Corporation Louisiana BART CAMx Modeling, included in Appendix B of the 2017 Louisiana Regional Haze SIP submittal; CAMx Modeling Report, prepared for Entergy Services by Trinity Consultants, Inc. and All 4 Inc, October 14, 2016, included in Appendix D of the 2017 Louisiana Regional Haze SIP submittal.

number of the Entergy sources [39] are significantly less than the 0.5 dv threshold established by Louisiana. However, this modeling was not conducted in accordance with the BART Guidelines and a previous modeling protocol developed for the use of CAMx modeling for BART screening (EPA, Texas and FLM representatives approved),[40] [41] and does not properly assess the maximum baseline impacts. Therefore, we agree with LDEQ's decision to not rely on this CAMx modeling, but rather rely on the CALPUFF modeling for BART determinations.[42] We provide a detailed discussion of our review of this CAMx modeling in the CAMx Modeling TSD. We also note that for the largest emission sources, those with coal-fired units, we performed our own CAMx modeling following the BART Guidelines and consistent with previously agreed techniques and metrics of the Texas CAMx BART screening protocol to provide additional information on visibility impacts and impairment and address possible concerns with utilizing CALPUFF to assess visibility impacts at Class I areas located farther from the emission sources. See the CAMx Modeling TSD for additional information on EPA's CAMx modeling protocol, inputs, and model results.

1. Reliance on CSAPR To Satisfy NO_X BART

Louisiana's 2017 Regional Haze SIP submittal relies on CSAPR better than BART for NO_X for EGUs. We propose to find that the NO_X BART requirements for EGUs in Louisiana will be satisfied by our determination, proposed for separate finalization, that Louisiana's participation in CSAPR's ozone-season NO_X program is a permissible alternative to source-specific NO_X BART. We cannot finalize this portion of the proposed SIP approval unless and until we finalize the proposed finding that CSAPR continues to be better than BART [43] because finalization of that proposal provides the basis for Louisiana to rely on CSAPR participation as an alternative to source-specific EGU BART for NO_X.

2. Sources That Deferred a Five-Factor Analysis Due to a Change in Operation

Entergy operates five BART-eligible units at the Willow Glen Electric Generating Plant (Willow Glen) in Iberville Parish, Louisiana, all of which burn natural gas. Unit 2 is an EGU boiler with a maximum heat input capacity of 2,188 MMBtu/hr. Unit 3 is an EGU boiler with a maximum heat input capacity of 5,900 MMBtu/hr. Unit 4 is an EGU boiler with a maximum heat input capacity of 5,400 MMBtu/hr. Unit 5 is an EGU boiler with a maximum heat input capacity of 5,544 MMBtu/hr. Unit 3 also has an auxiliary boiler with a maximum heat input capacity of 206 MMBtu/hr, which is itself BART-eligible. All of these units are also permitted to burn fuel oil, but none has done so in several years. Entergy has no operational plans to burn oil at these units in the future. Entergy's analysis, included in the 2017 Louisiana Regional Haze SIP Appendix D, addresses BART for the natural-gas-firing scenario and does not consider emissions from fuel-oil firing. Entergy's analysis states that if conditions change such that it becomes economic to burn fuel oil, the facility will submit a five-factor BART analysis for the fuel-oil firing scenario to Louisiana to be submitted to us as a SIP revision. Until such a SIP revision is approved, the 2017 Louisiana Regional Haze SIP precludes fuel-oil combustion at the Willow Glen facility. To make the prohibition on fuel-oil usage at Willow Glen enforceable, Entergy and LDEQ entered an AOC, included in the SIP that establishes the following requirement:

Before fuel oil firing is allowed to take place at Units 2, 3, 4, 5, and the auxiliary boiler at the Facility, a revised BART determination must be promulgated for SO_2 and PM for the fuel oil firing scenario through a FIP or an action by the LDEQ as a SIP revision and approved by EPA such that the action will become federally enforceable.[44]

With our final approval of this portion of the SIP submittal, the conditions in the AOC will become federally enforceable for purposes of regional haze. We propose to find that this approach is adequate to address BART.[45]

With regard to BART requirements for the gas-firing scenario, SO_2 and PM emissions for the gas-only fired units that are subject to BART are inherently low,[46] and are so minimal that the installation of any additional PM or SO_2 controls on these units would likely achieve very small emissions reductions and have minimal visibility benefits. As there are no appropriate add-on controls and the status quo reflects the most stringent controls, we propose to agree with Louisiana that SO_2 and PM BART is no additional controls for the Willow Glen units when burning natural gas.

3. Louisiana's Five-Factor Analyses for SO_2 and PM BART

In determining BART, the state must consider the five statutory factors in section 169A of the CAA: (1) The costs of compliance; (2) the energy and non-air quality environmental impacts of compliance; (3) any existing pollution control technology in use at the source; (4) the remaining useful life of the source; and (5) the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. *See also* 40 CFR 51.308(e)(1)(ii)(A). All units that are subject to BART must undergo a BART analysis. The BART Guidelines break the analysis down into five steps: [47]

STEP 1—Identify All Available Retrofit Control Technologies,

STEP 2—Eliminate Technically Infeasible Options,

STEP 3—Evaluate Control Effectiveness of Remaining Control Technologies,

STEP 4—Evaluate Impacts and Document the Results, and

[39] Entergy's CAMx modeling included model results for Michoud, Little Gypsy, R.S. Nelson, Ninemile Point, Willow Glen, and Waterford.

[40] Texas had over 120 BART-eligible facilities located at a wide range of distances to the nearest class I areas in their original Regional Haze SIP. Due to the distances between sources and Class I areas and the number of sources, Texas worked with EPA and FLM representatives to develop a modeling protocol to conduct BART screening of sources using CAMx photochemical modeling. Texas was the only state that screened sources using CAMx and had a protocol developed for how the modeling was to be performed and what metrics had to be evaluated for determining if a source screened out. See Guidance for the Application of the CAMx Hybrid Photochemical Grid Model to Assess Visibility Impacts of Texas BART Sources at Class I Areas, ENVIRON International, December 13, 2007, available in the docket for this action.

[41] EPA, the Texas Commission on Environmental Quality (TCEQ), and FLM representatives verbally approved the approach in 2006 and in email exchange with TCEQ representatives in February 2007 (see email from Erik Snyder (EPA) to Greg Nudd of TCEQ Feb. 13, 2007 and response email from Greg Nudd to Erik Snyder Feb. 15, 2007, available in the docket for this action).

[42] See Response to Comments in Appendix A of the 2017 Louisiana Regional Haze SIP submittal.

[43] 81 FR 78954.

[44] See AOC in Appendix D of the 2017 Louisiana Regional Haze SIP submittal.

[45] Under the AOC, if any of the five units at Willow Glen decides to burn fuel oil, Entergy will complete a BART analysis for each pollutant for the fuel oil firing scenario and submit the analysis to the State. Upon receiving Entergy's submission indicating that the units intend to switch to fuel oil, the State will submit a SIP revision with BART determinations for the fuel oil firing scenario for the units intending to switch to fuel oil. The sources will not begin to burn fuel oil until we have approved the submitted SIP revision containing the BART determinations.

[46] AP 42, Fifth Edition, Volume 1, Chapter 1: External Sources, Section 1.4, Natural Gas Combustion, available here: *https://www3.epa.gov/ttn/chief/ap42/ch01/final/c01s04.pdf.*

[47] 70 FR 39103, 39164 (July 6, 2005) [40 CFR 51, App. Y].

STEP 5—Evaluate Visibility Impacts.

As mentioned previously, we disapproved portions of Louisiana's 2008 Regional Haze SIP due to the state's reliance on CAIR as an alternative to source-by-source BART for EGUs.[48] Following our limited disapproval, LDEQ worked closely with the BART-eligible facilities and with us to revise its Regional Haze SIP, which resulted in the submittal of its 2017 Regional Haze SIP. The 2017 SIP submittal includes, among other things, a five-factor BART analysis for each subject to BART source for PM and SO_2. Louisiana's 2017 Regional Haze SIP relies on CSAPR participation as an alternative to source-specific EGU BART for NO_X. In evaluating the State's 2017 SIP revision, we reviewed each BART analysis for SO_2 and PM for each subject to BART source and other relevant information provided in the 2017 Regional Haze SIP submittal.

a. Cleco Brame Energy Center

The Cleco Brame Energy Center includes two units that are subject to BART. Nesbitt 1 (Brame Unit 1) is a 440-megawatt (MW) EGU boiler that burns natural gas and is not equipped with any air pollution controls. Rodemacher 2 (Brame Unit 2) is a 523 MW wall-fired EGU boiler that burns Powder River Basin (PRB) coal. Cleco submitted a BART screening analysis to us and LDEQ on August 31, 2015, and a BART five-factor analysis dated October 31, 2015, revised April 14, 2016 and April 18, 2016 in response to an information request.[49] These analyses were adopted and incorporated into Louisiana's 2017 Regional Haze SIP (Appendix B).

Nesbitt 1

Nesbitt 1 is currently permitted to burn natural gas and oil. However, this unit has not burned oil in the recent past. LDEQ did not conduct a five-factor BART analysis for Nesbitt 1, concluding that ''SO_2 BART controls are satisfied through the conversion to natural gas.'' [50] The preamble to the BART Guidelines states: [51]

Consistent with the CAA and the implementing regulations, States can adopt a more streamlined approach to making BART determinations where appropriate. Although BART determinations are based on the totality of circumstances in a given situation, such as the distance of the source from a Class I area, the type and amount of pollutant at issue, and the availability and cost of controls, it is clear that in some situations, one or more factors will clearly suggest an outcome. Thus, for example, a State need not undertake an exhaustive analysis of a source's impact on visibility resulting from relatively minor emissions of a pollutant where it is clear that controls would be costly and any improvements in visibility resulting from reductions in emissions of that pollutant would be negligible. In a scenario, for example, where a source emits thousands of tons of SO_2 but less than one hundred tons of NO_X, the State could easily conclude that requiring expensive controls to reduce NO_X would not be appropriate.

SO_2 and PM emissions from gas-fired units are inherently low,[52] so the installation of any additional PM or SO_2 controls on this unit would likely achieve very small emissions reductions and have minimal visibility benefits.

Before burning fuel oil at this unit, Cleco has committed to submit a five-factor BART analysis for the fuel-oil-firing scenario to Louisiana to be submitted to us as a SIP revision, and fuel oil combustion will not take place until our final approval of that SIP revision. To make the prohibition on fuel-oil usage at this unit enforceable, Cleco and LDEQ entered an AOC that establishes enforceable limits, consistent with the exclusive use of natural gas, of 3.0 lb/hr SO_2 and 37.3 lb/hr PM_{10} on 30-day rolling averages and a limitation on Nesbitt 1 analogous to the limitation for Willow Glen discussed previously.[53] This AOC is included in Louisiana's 2017 SIP revision. With our final approval of this portion of the 2017 SIP submittal and the AOC, that limitation will become federally enforceable for purposes of Regional Haze. We propose to find this approach adequate to meet BART.

Rodemacher 2

As the 2017 Louisiana Regional Haze SIP indicates,[54] recent pollution control upgrades at Rodemacher 2 include:

- Low-NO_X burners (LNB) installed in 2008;
- Low-sulfur coal combustion starting in 2009;
- Selective non-catalytic reduction (SNCR) installed in 2014; and
- DSI, activated carbon injection (ACI), and a fabric filter baghouse installed in 2015.

In assessing SO_2 BART, Cleco considered the five BART factors we discuss above. In assessing feasible control technologies and their effectiveness, Cleco considered an enhancement to the existing DSI system, dry scrubbing (spray dry absorption, or SDA), and wet scrubbing (wet flue gas desulfurization, or wet FGD). In considering enhanced DSI, Cleco relied upon on-site testing it had conducted to determine the performance potential of an enhanced DSI system. The testing was conducted to evaluate the effectiveness of the DSI system to control hydrochloric acid for compliance with the Mercury and Air Toxics Standards (MATS), but the continuous emissions monitor system (CEMS) was operating and capturing SO_2 emissions data during the test, which provided the necessary information to determine the control efficiency of DSI and enhanced DSI for SO_2.[55] As a result of this testing, Cleco determined that the current and enhanced DSI systems have SO_2 removal efficiencies of approximately 39% and 63%, respectively, with the enhanced DSI system being capable of meeting a monthly SO_2 emission limit of 0.30 lbs/MMBtu. Cleco secured this limit as part of the same AOC referenced above for the Nesbitt 1. Cleco also assessed SDA and wet FGD as being capable of meeting emission limits of 0.06 and 0.04 lbs/MMBtu, respectively.

In considering the costs of compliance for these controls, Cleco concluded that the enhanced DSI system would not require any additional capital expenses, but would require additional operating costs due to the need for additional sorbent (trona). Cleco didn't specifically address the energy impacts and non-air quality impacts of enhanced DSI, but we conclude that any considerations regarding these factors would be very minimal over the already installed DSI system. Cleco also assessed the costs associated with installing and operating SDA and wet FGD, as discussed below. In regards to energy impacts and non-air quality impacts, Cleco concluded that wet FGD poses certain water and waste disposal problems over SDA. Cleco concluded that remaining useful life was not an important factor for any of the control scenarios.

In assessing visibility impacts, the state's submittal included CALPUFF modeling evaluating the visibility benefits of DSI, enhanced DSI, SDA, and wet FGD. We summarize the results of that modeling in Table 7.

[48] 77 FR 33642.

[49] Wren Stenger, Section 114(a) Information Request letter to Darren Olagues (Cleco), May 19, 2015.

[50] See Cleco BART Analysis in Appendix B of the 2017 Louisiana Regional Haze SIP.

[51] 70 FR 39116.

[52] AP 42, Fifth Edition, Volume 1, Chapter 1: External Sources, Section 1.4, Natural Gas Combustion, available here: *https://www3.epa.gov/ttn/chief/ap42/ch01/final/c01s04.pdf.*

[53] See AOC in Appendix B of the 2017 Louisiana Regional Haze SIP.

[54] See BART Analysis in Appendix B of the 2017 Louisiana Regional Haze SIP.

[55] See the April 5, 2016 letter to Guy Donaldson from Bill Matthews in our docket.

[56] DSI modeled at 0.41 lb/MMBtu, DSI and fabric filter are already installed and operational.

TABLE 7—ANTICIPATED VISIBILITY BENEFIT DUE TO CONTROLS ON CLECO RODEMACHER UNIT 2

[CALPUFF, 98th percentile]

Class I area	Baseline impact (dv)	Visibility benefit of controls over baseline (dv)			
		DSI [56]	Enhanced DSI	SDA	WFGD
Breton	0.724	0.134	0.226	0.436	0.445
Caney Creek	0.734	0.085	0.122	0.311	0.322

Enhanced DSI achieves benefits of approximately 0.092 dv at Breton and 0.037 dv at Caney Creek Wilderness (Caney Creek) over DSI and benefits of 0.226 dv at Breton and 0.122 dv at Caney Creek over the baseline impairment. The visibility benefits of SDA and wet FGD exceed the benefits from enhanced DSI by approximately 0.2 dv at Caney Creek and Breton.

We also performed our own CAMx modeling analysis for Cleco Rodemacher Unit 2 following the BART Guidelines to evaluate the maximum baseline visibility impacts and potential benefits from two levels of controls, DSI at 0.41 lb/MMBtu and wet FGD at 0.04 lb/MMBtu, to supplement the CALPUFF modeling. As discussed above, Louisiana relied on CALPUFF modeling to inform BART determinations consistent with the BART Guidelines. However, the use of CALPUFF is typically used for distances less than 300–400 km. The Cleco Brame source is located 352 km from Caney Creek and 422 km from Breton. CAMx provides a scientifically validated platform for assessment of visibility impacts over a wide range of source-to-receptor distances. CAMx is also more suited than some other modeling approaches for evaluating the impacts of SO_2, NO_X, VOC, and PM emissions as it has a more robust chemistry mechanism than CALPUFF. Our CAMx Modeling TSD provides a detailed description of the modeling protocol, model inputs, and model results, the latter of which is summarized in Table 8.

TABLE 8—ANTICIPATED VISIBILITY BENEFIT DUE TO CONTROLS ON CLECO RODEMACHER UNIT 2

[CAM_X]

Class I area	Baseline impact (dv) (maximum)	Baseline impact (dv) (average top ten impacted days)	Visibility benefit of controls over baseline (dv) maximum impact		Visibility benefit of controls over baseline (dv) average top ten impacted days	
			DSI [57]	WFGD	DSI [58]	WFGD
Breton	0.713	0.315	0.187	0.399	0.117	0.271
Caney Creek	2.051	1.005	0.119	0.238	0.271	0.459

The CAMx-modeled visibility benefits of WFGD are 0.212 dv at Breton and 0.119 dv at Caney Creek over those from DSI for the most impacted day. Examining the top ten impacted days during the baseline period, the average benefit on this set of days of WFGD over DSI is 0.154 dv at Breton and 0.188 dv at Caney Creek. As enhanced DSI would reduce SO_2 emissions from an emission rate of 0.41 lb/MMBtu to 0.3 lb/MMBtu, enhanced DSI would lead to greater visibility benefits than DSI. Thus, the visibility benefits of WFGD compared to enhanced DSI would be smaller than those discussed above.

As explained in our TSD, we identified some uncertainties with Cleco's BART analysis for Rodemacher 2. These include a lack of documentation for cost figures, and the fact that the DSI testing that Cleco relied on was not intended to evaluate DSI for SO_2 control efficiency, which caused some uncertainty concerning the potential control level of DSI and enhanced DSI. However, because DSI and a fabric filter baghouse are already installed and operational, the cost-effectiveness of Cleco's enhanced DSI is based only on the cost of the additional reagent and no additional capital costs are involved. Consequently, we believe that the uncertainty of Cleco's enhanced DSI cost-effectiveness figures is low and that Cleco's estimated cost-effectiveness of $967/ton [59] is reasonable. Conversely, we believe that significant uncertainty exists with respect to Cleco's cost-effectiveness estimates for SDA and wet FGD—$8,589/ton and $5,580/ton, respectively. Based on our experience reviewing and conducting control cost analyses for many other facilities, we believe that Cleco's estimates are likely too high.

Nevertheless, even though the actual costs of SDA and wet FGD are likely lower, enhanced DSI is more cost-effective and the incremental costs of obtaining the additional 0.1–0.2 dv of visibility improvement that can be achieved by SDA or wet FGD are likely to be high. Therefore, we propose to agree with Louisiana's determination that enhanced DSI is SO_2 BART for Rodemacher 2, with a SO_2 emission limit of 0.30 lbs/MMBtu on a 30-day rolling basis. LDEQ and Cleco entered into an AOC to make this limit enforceable.

In assessing PM BART, Cleco notes that Rodemacher 2 is equipped with an electrostatic precipitator (ESP) and a fabric filter baghouse, which offer excellent PM control, and concludes that PM BART is no further control. As discussed earlier, the BART rules allow for a more streamlined approach to making BART determinations when appropriate.[60] The BART Guidelines further state that if a BART source

[57] DSI modeled at 0.41 lb/MMBtu, DSI and fabric filter are already installed and operational.

[58] DSI modeled at 0.41 lb/MMBtu, DSI and fabric filter are already installed and operational.

already has controls that are among the most stringent available and the controls are made federally enforceable for BART, the remainder of the BART analysis is unnecessary.[61] The existing ESP combined with the baghouse meets the definition of ''among the most stringent controls'' for PM at this unit and are made federally enforceable for BART through the AOC. The AOC allows the unit to meet the emissions limits by use of the ESP and the baghouse, conversion to natural gas only, unit retirement, or another means of achieving compliance.

In addition, CALPUFF visibility modeling shows that baseline impairment due to PM is very small, at 0.01 dv or less at both Breton and Caney Creek compared to the overall visibility impairment from all pollutants of approximately 0.6 dv.[62] Our CAMx modeling estimates that baseline visibility impairment due to PM emissions from the unit is less than 1% of the total visibility impairment due to the unit, at both Caney Creek and Breton.[63] We propose to find that the visibility impacts due to PM emissions are so minimal that any additional PM controls would only result in very minimal visibility benefit that could not justify the cost of any upgrades and/or operational changes needed to achieve a more stringent emission limit. We therefore propose to agree with Louisiana that no additional controls are required to satisfy PM BART. LDEQ and Cleco entered into an AOC establishing an enforceable limit on PM_{10} consistent with current controls at 545 lb/hr on a 30-day rolling basis.

b. Entergy Little Gypsy

Entergy operates three BART-eligible units at Little Gypsy Generating Plant (Little Gypsy). Unit 2 is an EGU boiler with a maximum heat input capacity of 4,550 MMBtu/hr that is permitted to burn natural gas as its primary fuel, and No. 2 and No. 4 fuel oil as secondary fuels. Unit 3 is an EGU boiler with a maximum heat input capacity of 5,578 MMBtu/hr that burns natural gas, but is also permitted to burn fuel oil. The auxiliary boiler for Unit 3 has a maximum heat input capacity of 252 MMBtu/hr and is permitted to burn only natural gas. According to November 9, 2015 updated CALPUFF screening modeling conducted by Trinity Consultants on behalf of Entergy,[64] the baseline visibility impacts of Little Gypsy are greater than 0.5 dv, so the 2017 SIP revision demonstrates that the three units at Little Gypsy are subject to BART.[65]

LDEQ and Entergy entered into an AOC limiting fuel oil to ultra-low sulfur diesel (ULSD) with a sulfur content of 0.0015% for both Units 2 and 3. As the BART Guidelines state, ''if a source commits to a BART determination that consists of the most stringent controls available, then there is no need to complete the remaining analyses.'' [66] Entergy states that during the baseline period, Units 2 and 3 burned fuel oil [67] with an average sulfur content of 0.5%. Switching to ULSD will result in a reduction of SO_2 emissions of over 99%. We propose to find that ULSD is the most stringent control available for addressing SO_2 emissions from fuel oil burning, and we propose to agree with LDEQ that this satisfies BART for SO_2 for Little Gypsy Unit 2.

The 2017 Louisiana Regional Haze SIP narrative does not include a BART determination for the auxiliary boiler, but the BART analysis in Appendix D of the SIP submittal does address the auxiliary boiler and concludes that no additional controls are necessary for BART. The auxiliary boiler is permitted to only burn natural gas. We note that SO_2 and PM emissions for gas-fired units are inherently low [68] and so minimal that the installation of any additional PM or SO_2 controls on such units would likely achieve very low emissions reductions and minimal visibility benefits. As there are no appropriate add-on controls and the status quo reflects the most stringent controls, we propose to agree with LDEQ that SO_2 and PM BART is no additional controls for the Little Gypsy auxiliary boiler. For the same reason, we propose to approve LDEQ's conclusion that PM BART for Little Gypsy Units 2 and 3 during gas-firing operation is no additional controls.

With regards to PM BART for the fuel-oil-firing scenarios at Units 2 and 3, Louisiana evaluated wet ESP, wet scrubber, cyclone, and switching fuels to 0.0015% S fuel oil (ULSD). In evaluating energy and non-air quality impacts, the BART analysis identifies energy impacts associated with energy usage for ESPs and scrubbers. In addition, ESPs and scrubbers generate wastewater streams and the resulting wastewater treatment will generate filter cake, requiring land-filling. LDEQ did not identify any impacts regarding remaining useful life. The costs of compliance for these add-on control options are very high compared to their anticipated visibility benefits.[69] The modeled visibility benefits of add-on controls are very small and range from 0.0 dv to 0.037 dv for cyclone, wet scrubber, and wet ESP. Therefore, we propose that the costs of add-on PM controls do not justify the expected improvement in visibility. Accordingly, we are proposing to agree with Louisiana that the fuel sulfur content limits contained in the AOC that were determined to meet SO_2 BART also satisfy PM BART.

c. Entergy Ninemile Point

Entergy operates two BART-eligible units at Ninemile Point Electric Generating Plant (Ninemile Point). Unit 4 is an EGU boiler with a maximum heat input capacity of 7,146 MMBtu/hr that burns primarily natural gas and No. 2 and No. 4 fuel oil. Unit 5 is an EGU boiler with a maximum heat input capacity of 7,152 MMBtu/hr that burns primarily natural gas and No. 2 and No. 4 fuel oil. LDEQ's SIP submittal demonstrates that the two units at Ninemile Point are subject to BART. LDEQ and Entergy entered into an AOC limiting fuel oil to ULSD with a sulfur content of 0.0015%. As the BART Guidelines state ''if a source commits to a BART determination that consists of the most stringent controls available, then there is no need to complete the remaining analyses.'' [70] Entergy states that during the baseline period these units burned fuel oil with an average sulfur content of 0.3%. Switching to ULSD will result in a reduction of SO_2 emissions by over 99%. We propose to find that ULSD is the most stringent control available for addressing SO_2 emissions and we propose to agree with LDEQ that this satisfies BART for SO_2 for Ninemile Point Units 4 and 5.

For PM BART for Units 4 and 5, Louisiana evaluated wet ESP, wet scrubber, cyclones, and switching fuels to ULSD. In evaluating energy and non-air quality impacts, the BART analysis identifies energy impacts associated with energy usage for ESPs and scrubbers. In addition, ESPs and

[60] 70 FR 39116.

[61] 40 CFR 51 Appendix Y.IV.D.1.9.

[62] See Table 4–3 CLECO Brame Energy Center BART Five-Factor Analysis, prepared by Trinity Consultants, October 31, 2015. Available in Appendix B of the 2017 Regional Haze SIP submittal.

[63] Calculated as percent of total extinction due to the unit. See CAMx Modeling TSD for additional information.

[64] See Appendix D of the 2017 SIP submittal.

[65] See CALPUFF Modeling TSD for a summary of model results.

[66] See 40 CFR part 51, Appendix Y, IV, D.

[67] For this and all units herein assessed for BART, the primary fuel burned has historically been pipeline quality natural gas. Please see the TSD for more details.

[69] See TSD for summary of PM control cost analysis.

[70] See 40 CFR part 51, Appendix Y, IV, D.

scrubbers generate wastewater streams and the resulting wastewater treatment will generate filter cake, requiring land-filling. LDEQ did not identify any impacts regarding the remaining useful life. The cost of compliance for these add-on control options is very high compared to the anticipated visibility benefits of controls. The modeled visibility benefits of add-on controls are very small and range from 0 dv to 0.08 dv for cyclone, wet scrubber and wet ESP. The BART analyses in the 2017 Louisiana Regional Haze SIP demonstrate that the cost of retrofitting the Units 4 and 5 with add-on PM controls would be extremely high compared to the visibility benefit for any of the units.[71] We believe that the cost of add-on PM controls does not justify the minimal expected improvement in visibility for these units. Accordingly, we are proposing to agree with LDEQ's determination that the fuel content limits for oil burning contained in the AOC that were determined to meet SO_2 BART also satisfy PM BART for Units 4 and 5.

d. Entergy Waterford

Entergy operates three BART-eligible units at the Waterford 1 & 2[72] Generating Plant (Waterford) in St. Charles Parish, Louisiana. Unit 1 is an EGU boiler with a maximum heat input capacity of 4,440 MMBtu/hr that burns primarily natural gas and No. 6 fuel oil as its secondary fuel. Unit 2 is an EGU boiler with a maximum heat input capacity of 4,440 MMBtu/hr that burns primarily natural gas and No. 6 fuel oil as its secondary fuel. The auxiliary boiler (77 MMBtu/hr) burns only natural gas. We propose to approve the determination that Waterford Units 1 and 2, and the auxiliary boiler are subject to BART. In assessing SO_2 BART for Units 1 and 2, Louisiana considered the five BART factors.

In Step 1, SO_2 control technologies of DSI, SDA, wet scrubbing, and fuel switching were identified as available controls. For gas-fired units that occasionally burn fuel oil, the BART Guidelines recommend: ''For oil-fired units, regardless of size, you should evaluate limiting the sulfur content of the fuel oil burned to 1 percent or less by weight.''[73] The Waterford units have only burned residual fuel oil (No. 6). Entergy states that these units are only physically capable of burning No. 6 fuel oil when not burning natural gas and evaluated switching to 0.5% sulfur No. 6 fuel oil, the lowest sulfur specification No. 6 fuel oil available.

In Step 2, Louisiana eliminated all controls as technically infeasible with the exception of fuel switching. We are aware, however, of instances, although not at any facility in the U.S., in which FGDs of various types have been installed or otherwise deemed feasible on a boiler that burns oil.[74] Consequently, we have supplemented Louisiana's analysis with our own. We propose from our analysis, that even if the LDEQ included analyses of these other control options, the State's BART conclusion for Waterford would still be reasonable.[75]

In addition, Louisiana evaluated switching from a 1% sulfur fuel oil, which is approximately equal to the maximum sulfur content of the fuel oil these units have burned, to a 0.5% sulfur fuel oil for Units 1 and 2. In addition to the Entergy BART report which Louisiana relied upon, we have included our own fuel oil cost assessment in the TSD.

For Step 3, the technically feasible controls are ranked by control effectiveness. The control effectiveness of switching from a higher sulfur fuel oil to a lower sulfur fuel oil depends on the reduction in sulfur emissions. Entergy states that these units are only physically capable of burning No. 6 fuel oil when not burning natural gas and evaluated switching to 0.5% sulfur No. 6 fuel oil, the lowest sulfur specification No. 6 fuel oil available. We believe it is likely the units could be modified to burn distillate fuel oils, with even lower sulfur content, at low cost. We welcome the facility owner, Entergy, to provide a cost estimate for the modification to burn distillate fuel oils should it have concerns with this assumption.

Because we believe it likely that the facility could be modified to burn distillate fuels at low cost, in addition to our consideration of 0.5% No. 6 fuel oil, we also considered No. 2 fuel oils with 0.3% sulfur and ultra-low sulfur diesel, which has a sulfur content of 0.0015%.

In evaluating energy and non-air quality impacts, the BART analysis in the 2017 SIP submittal states that there are no such impacts associated with fuel switching. It also states that remaining useful life does not impact the BART analysis. We believe Louisiana's assessment of the impacts from fuel switching are reasonable.

Aside from our conclusion that modifications necessary to burn distillate fuel oil are relatively minor, the cost-effectiveness of fuel oil switching depends only on the cost of the lower sulfur fuel oil relative to the baseline fuel oil. Information from the Energy Information Agency (EIA) indicates that fuel oil of varying sulfur contents is widely available across the U.S. EIA reports the prices for various refinery petroleum products on a monthly and annual basis. See the TSD for additional information on fuel oil prices utilized in our analysis. In Table 9, we present the results of our calculations:[76]

TABLE 9—CONTROL COST ANALYSIS FOR FUEL OIL SWITCHING FROM RESIDUAL FUEL OIL BASELINE

Baseline: Residual Fuel Oil <=1%	Cost for 1,000 barrels ($/yr)	Tons reduced per 1,000 barrels	Cost effectiveness ($/ton)
Business as usual (Residual fuel oil @1% S and $0.971/gal)	$40,782		
Moderate control (No. 2 fuel oil @0.3% S and $1.565/gal)	65,730	2.40	$10,385
High control (ULSD @0.0015% S and $1.667/gal)	70,014	3.29	8,878

[71] See TSD for summary of PM control cost analysis.

[72] Note that the name of this facility is ''Waterford 1 & 2'' and is also has units that are referred to as ''Unit 1'' and ''Unit 2''.

[73] 70 FR 39103, 39171 (July 6, 2005) [40 CFR 51, App. Y].

[74] Crespi, M. ''Design of the FLOWPAC WFGD System for the Amager Power Plant.'' Power-Gen FGD Operating Experience, November 29, 2006, Orlando, FL; Babcock and Wilcox. ''Wet Flue Gas Desulfurization (FGD) Systems Advanced Multi-Pollutant Control Technology.'' See Page 4: ''We have also provided systems for heavy oil and Orimulsion fuels.'' DePriest, W; Gaikwad, R. ''Economics of Lime and Limestone for Control of Sulfur Dioxide.'' See page 7: ''A CFB unit, in Austria, is on a 275 MW size oil-fired boiler burning 1.0–2.0% sulfur oil.''

[75] See the TSD for our analysis of these other control options. We believe that the installation of any of these other add-on control options, such as a scrubber, on any of these gas-fired units that occasionally burn oil results in very high cost-effectiveness values.

[76] See the file, ''LA BART Fuel Oil Cost Analysis.xlsx'' for the calculations and supporting data for these figures.

In assessing the visibility benefits of fuel switching, Louisiana submitted CALPUFF modeling for 1% sulfur and 0.5% sulfur fuel oil. We performed additional CALPUFF modeling to correct for errors in the modeling and to evaluate the visibility benefits of additional fuel types. See the CALPUFF Modeling TSD for additional information on modeling inputs and results. The visibility benefits from fuel switching are summarized in Table 10.

TABLE 10—VISIBILITY BENEFITS OF FUEL SWITCHING AT WATERFORD

[CALPUFF, 98th percentile]

	Class I area	Baseline impact (dv)	Visibility benefit (dv) of 0.5% S	Visibility benefit (dv) of 0.3% S	Visibility benefit (dv) of 0.0015% S
Unit 1	Breton	2.704	0.883	1.348	1.744
Unit 2	Breton	2.378	0.798	1.207	1.601

The cost-effectiveness of switching to a lower sulfur fuel oil is less attractive (higher $/ton) than other controls we have typically required under BART. While the visibility benefits of switching fuel types are significant, the cost-effectiveness in terms of $/ton is in excess of $8,000/ton for the most stringent control option. We also note that the facility primarily operates by burning natural gas and the visibility benefits presented in Table 10 represent benefits only for those periods when fuel oil is burned and would not occur during natural gas operation. As discussed above, over the 2011–2015 period, the highest annual emissions for SO_2 reported for a unit at the facility is only 69 tons/year. Considering this, we propose to agree with the LDEQ's determination that no additional controls or fuel switching are necessary to satisfy BART. The LDEQ and Entergy have entered into an AOC limiting fuel oil sulfur content to 1% or less. This enforceable limit is consistent with past practice, the baseline level utilized in the BART analysis, and the minimum recommendation in the BART Guidelines. We encourage Louisiana and Entergy to reconsider switching to a lower sulfur fuel when assessing controls under reasonable progress for future planning periods.

For PM BART for Units 1 and 2, Louisiana evaluated wet ESP, wet scrubber, cyclones, and switching fuels to 0.5% S fuel oil. In evaluating energy and non-air quality impacts, Louisiana identified energy impacts associated with energy usage for ESPs and scrubbers. In addition, ESPs and scrubbers generate wastewater streams and the resulting wastewater treatment will generate filter cake, requiring land-filling. Louisiana did not identify any impacts regarding remaining useful life. The costs of compliance for these control options are very high compared to their anticipated visibility benefits. Modeled baseline visibility impacts from PM emissions are very low. Modeled visibility impairment from baseline PM emissions are less than 5% of the total modeled impact from the source. Entergy's modeled visibility benefits of add-on controls are very small and range from 0 dv to 0.06 dv for cyclone, wet scrubber, and wet ESP for each unit. The BART analyses in the 2017 Louisiana Regional Haze SIP demonstrate that the cost of retrofitting Units 1 and 2 with add-on PM controls would be extremely high compared to the visibility benefits for any of the units.[77] LDEQ concluded that the costs of add-on PM controls do not justify the minimal expected improvement in visibility for these units. LDEQ included an analysis of fuel switching for PM BART in its SO_2 BART analysis, as PM reductions from fuel switching were also included in the assessment of benefits from fuel switching. Accordingly, we are proposing to agree with the determination in the 2017 Louisiana Regional Haze SIP that the fuel content limits for oil burning contained in the AOC that were determined to meet SO_2 BART also satisfy PM BART.

The 2017 Louisiana Regional Haze SIP narrative does not include a BART determination for the auxiliary boiler, but the BART analysis in Appendix D of the 2017 SIP submittal does address the auxiliary boiler and concludes that no additional controls are necessary for BART. The auxiliary boiler only burns natural gas. We note that SO_2 and PM emissions for gas-only units are inherently low,[78] so the installation of any additional PM or SO_2 controls on such units would likely achieve very low emissions reductions and minimal visibility benefits. As there are no appropriate add-on controls, and the status quo reflects the most stringent controls, we propose to agree with Louisiana that SO_2 and PM BART is no additional controls for the Waterford auxiliary boiler.

III. Proposed Action

We are proposing to approve Louisiana's Regional Haze SIP revision submitted on February 10, 2017, with the exception of the portion related to the Entergy Nelson facility. We propose to approve the BART determination for Michoud based on the draft permit, and note that we expect the proposed permit removing Units 2 and 3 to be final before we take final action to approve this portion of the 2017 Louisiana Regional Haze SIP. Alternatively, LDEQ could submit another enforceable document to ensure that Units 2 and 3 cannot restart without a BART analysis and emission limits, or demonstrate the units have been deconstructed to the point that they cannot restart without obtaining a new NSR permit, making them not operational during the timeframe for BART eligibility. Additionally, final approval of Louisiana's reliance on CSAPR to satisfy NO_X BART for EGUs is contingent upon our finalization of the separate rulemaking, proposed on November 10, 2016 (81 FR 78954), that proposed to find that CSAPR continues to be better than BART. Once we take final action on our proposed approval of Louisiana's 2016 SIP revision addressing non-EGU BART,[79] this proposal, and a future proposed action to address SO_2 and PM BART for the Entergy Nelson facility, we will have fulfilled all outstanding obligations with respect to the Louisiana regional haze program for the first planning period.

IV. 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

[77] See TSD for summary of PM control cost analysis.

[78] AP 42, Fifth Edition, Volume 1, Chapter 1: External Sources, Section 1.4, Natural Gas Combustion, available here: *https://www3.epa.gov/ttn/chief/ap42/ch01/final/c01s04.pdf.*

[79] 81 FR 74750 (October 27, 2016).

EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve 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 it does not involve technical standards; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxides, Visibility, Interstate transport of pollution, Regional haze, Best available control technology.

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

Dated: May 1, 2017.

Samuel Coleman,

Acting Regional Administrator, Region 6.

[FR Doc. 2017–10108 Filed 5–18–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 147

[EPA–HQ–OW–2013–0280; FRL–9962–68–OW]

State of North Dakota Underground Injection Control Program; Class VI Primacy Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to issue a rule approving an application from the state of North Dakota under the Safe Drinking Water Act (SDWA) to implement an underground injection control (UIC) program for Class VI injection wells located within the state, except those on Indian lands.

DATES: Comments must be received on or before July 18, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2013–0280, to the *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system).

For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Lisa McWhirter, Drinking Water Protection Division, Office of Ground Water and Drinking Water (4606M), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2317; fax number: (202) 564–3754; email address: *mcwhirter.lisa@epa.gov* or Douglas Minter, Underground Injection Control Unit, U.S. Environmental Protection Agency, Region 8, 1595 Wynkoop Street, MSC 8WP-SUI, Denver, Colorado 80202; telephone number: (303) 312–6079; fax number: (303) 312–7084; email address: *minter.douglas@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The state of North Dakota received primary enforcement responsibility (primacy) for Class I, III, IV and V injection wells under SDWA section 1422 on October 5, 1984, and Class II injection wells under SDWA section 1425 on September 24, 1983. The state of North Dakota has applied to the EPA under SDWA section 1422, 42 U.S.C. sections 300h–1, for primacy for Class VI injection wells, except those located on Indian lands. This action is based on a legal and technical review of the state of North Dakota's application as directed in the Code of Federal Regulations (CFR) at 40 CFR part 145. As a result of this review, EPA is proposing that the state of North Dakota's application meets all applicable requirements for approval under SDWA section 1422, and the state is capable of administering a Class VI UIC program in a manner consistent with the terms and purposes of SDWA and all applicable regulations.

II. Legal Authorities

These regulations are being promulgated under authority of SDWA sections 1422 and 1450, 42 U.S.C. 300h–1 and 300j–9.

Requirements for State UIC Programs

SDWA Section 1421 requires the Administrator of the EPA to promulgate minimum requirements for effective state UIC programs to prevent underground injection activities that endanger underground sources of drinking water (USDWs). SDWA Section 1422 establishes requirements for states seeking EPA approval of state UIC programs.

For states that seek approval for UIC programs under SDWA section 1422, the EPA has promulgated a regulation setting forth the applicable procedures and substantive requirements, codified in 40 CFR part 145. It includes requirements for state permitting programs (by reference to certain provisions of 40 CFR parts 124 and 144), compliance evaluation programs,

enforcement authority, and information sharing.

III. North Dakota's Application

A. Background

On June 21, 2013, the state of North Dakota submitted a program revision application to add Class VI injection wells to its SDWA section 1422 UIC program. The EPA reviewed the application and published a **Federal Register** document of North Dakota's Underground Injection Control Program Revision Application on August 9, 2013 (78 FR 48639), which sought public comments and provided an opportunity to request a public hearing. Public notice of North Dakota's application was also published in the *Bismarck Tribune* on August 9, 2013.

B. Public Participation Activities Conducted by the State of North Dakota

The state of North Dakota held two public hearings with public comment periods on the state's intent to adopt its Class VI UIC regulations. The first public hearing was held on April 24, 2012, and the public comment period closed on June 8, 2012. The second public hearing was held on October 22, 2012, and the public comment period closed on November 1, 2012. Both public hearings were held in Bismarck, North Dakota, and no public comments were received during the two public comment periods.

C. Public Participation Activities Conducted by the EPA

On August 9, 2013, a document announcing North Dakota's Underground Injection Control Program Revision was published in the **Federal Register** (78 FR 48639) and in the *Bismarck Tribune.* This document provided that a public hearing would be held if requested. The agency did not receive any requests for a public hearing and received five written comments. Two comments were outside the scope of the state's application and three comments were focused on the Memorandum of Agreement between Region 8 and the North Dakota Industrial Commission. The EPA worked with the Commission to address these comments and revise the Memorandum of Agreement.

IV. EPA's Proposed Action

In this action, the EPA is proposing that the state of North Dakota's Class VI UIC program will assume primary enforcement authority (primacy) for regulating Class VI injection wells in the state, except for those located on Indian lands. Support of this action is part of the public record in EPA's Docket No. EPA–HQ–OW–2013–0280. When finalized, this action will amend 40 CFR part 147 and incorporate by reference the EPA-approved state statutes and regulations. The EPA will continue to administer its UIC program for Class I, II, III, IV, V and VI injection wells on Indian lands.

The provisions of the state of North Dakota's Code that contain standards, requirements, and procedures applicable to owners or operators of Class VI UIC wells will be incorporated by reference into 40 CFR 147.1751. Provisions of the state of North Dakota's Code that contain standards, requirements, and procedures applicable to owners or operators of Class I, III, IV and V injection wells have already been incorporated by reference into 40 CFR 147.1751. Any provisions incorporated by reference, as well as all permit conditions or permit denials issued pursuant to such provisions, will be enforceable by the EPA pursuant to SDWA section 1423 and 40 CFR 147.1(e).

In order to better serve the public, the EPA is reformatting the codification of the EPA-approved North Dakota SDWA section 1422 Underground Injection Control Program Statutes and Regulations for Well Classes I, III, IV, V and VI. Instead of codifying the North Dakota Statutes and Regulations as separate paragraphs, the EPA is now codifying a binder that contains the EPA-approved North Dakota Statutes and Regulations for Well Classes I, III, IV, V and VI. This binder will be incorporated by reference into part 147. The EPA has made, and will continue to make, these documents available electronically through *http://www.regulations.gov* and in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

The EPA will continue to oversee the state of North Dakota's administration of the SDWA Class VI program. Part of the EPA's oversight responsibility will require quarterly reports of non-compliance and annual UIC performance reports pursuant to 40 CFR144.8. The Memorandum of Agreement between the EPA and the state of North Dakota, signed by the Regional Administrator on October 28, 2013, provides the EPA with the opportunity to review and comment on all permits.

V. Statutory and Executive Order Reviews

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

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2040–0042. Reporting or record-keeping requirements will be based on the state of North Dakota UIC Regulations, and the state of North Dakota is not subject to the PRA.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This rule does not impose any requirements on small entities as this rule approves a state program. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

D. Unfunded Mandates Reform Act (UMRA)

This 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. The action imposes no enforceable duty on any state, local or tribal governments or the private sector. EPA's approval of the state of North Dakota's program will not constitute a federal mandate because there is no requirement that a state establish UIC regulatory programs and because the program is a state, rather than a federal program.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national

government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have tribal implications as specified in Executive Order 13175. This action contains no federal mandates for tribal governments and does not impose any enforceable duties on tribal governments. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health & 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 approves a state program.

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

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

I. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards.

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

The EPA has determined that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. This action will simply provide that the state of North Dakota has primacy under SDWA for the Class VI UIC program, pursuant to which the state of North Dakota will be implementing and enforcing a state regulatory program that is as stringent as the existing federal program.

List of Subjects in 40 CFR Part 147

Environmental protection, Incorporation by reference, Indian-lands, Intergovernmental relations, Reporting and record-keeping requirements, Water supply.

Dated: May 8, 2017.

E. Scott Pruitt,

Administrator.

For the reasons set out in the preamble, Title 40 chapter 1 of the Code of Federal Regulations is proposed to be amended as follows:

PART 147—STATE, TRIBAL, AND EPA–ADMINISTERED UNDERGROUND INJECTION CONTROL PROGRAMS

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

Authority: 42 U.S.C. 300h *et seq.;* and 42 U.S.C. 6901 *et seq.*

■ 2. Amend § 147.1751 by revising the section heading, introductory text and paragraph (a) and adding paragraphs (e) through (h) to read as follows:

§ 147.1751 State-administered program—Class I, III, IV, V and VI wells.

The UIC program for Class I, III, IV, and V wells in the state of North Dakota, except those located on Indian lands, is the program administered by the North Dakota Department of Health, approved by EPA pursuant to SDWA section 1422. Notice of this approval was published in the **Federal Register** on September 21, 1984; the effective date of this program is October 5, 1984. The UIC Program for Class VI wells in the state of North Dakota, except those located on Indian lands, is the program administered by the North Dakota Industrial Commission, approved by the EPA pursuant to SDWA section 1422. Notice of this approval was published in the **Federal Register** on [DATE OF PUBLICATION OF THE FINAL RULE IN THE **Federal Register**]; the effective date of this program is [DATE 90 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **Federal Register**]. This program consists of the following elements, as submitted to the EPA in the state's program revision application.

■ (a) Incorporation by reference. The requirements set forth in the state statutes and regulations cited in the binder entitled ''EPA-Approved North Dakota SDWA § 1422 Underground Injection Control Program Statutes and Regulations for Well Classes I, III, IV, V and VI'', dated December 2013, and Table 1 to paragraph (a) of this section are hereby incorporated by reference and made a part of the applicable UIC program under SDWA for the state of North Dakota. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the North Dakota regulations that are incorporated by reference in paragraph (a) of this section may be inspected at the U.S. Environmental Protection Agency, Region 8, Library 2nd Floor, 1595 Wynkoop Street, Denver, Colorado 80202; Water Docket, EPA Docket Center (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460; and the National Archives and Records Administration (NARA). If you wish to obtain materials from the EPA Regional Office, please call (303) 312–1226; for materials from a docket in the EPA Headquarters Library, please call the Water Docket at (202) 566–2426. 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.*

TABLE 1 TO PARAGRAPH (a) EPA-APPROVED NORTH DAKOTA SDWA § 1422 UNDERGROUND INJECTION CONTROL PROGRAM STATUTES AND REGULATIONS FOR WELL CLASSES I, III, IV, V AND VI

State citation	Title/subject	State effective date	EPA approval date [1]
North Dakota Century Code Sections 38–12–01—38–12–03.	Regulation, Development and Production of Subsurface Minerals.	1980	September 21, 1984, 49 FR 37066.
North Dakota Century Code Sections 61–28–02 and 61–28–06.	Control, Prevention and Abatement of Pollution of Surface Waters.	1989	March 6, 1991, 56 FR 9418.
North Dakota Administrative Code Sections 33–25–01–01—33–25–01–18.	Underground Injection Control Program	1983	September 21, 1984, 49 FR 37066.
North Dakota Administrative Code Sections 43–02–02–01—43–02–02–50.	Subsurface Mineral Exploration and Development.	1986	March 6, 1991, 56 FR 9418.

TABLE 1 TO PARAGRAPH (a) EPA-APPROVED NORTH DAKOTA SDWA § 1422 UNDERGROUND INJECTION CONTROL PROGRAM STATUTES AND REGULATIONS FOR WELL CLASSES I, III, IV, V AND VI—Continued

State citation	Title/subject	State effective date	EPA approval date [1]
North Dakota Administrative Code Sections 43–02–02.1–01—43–02–02.2–19.	Underground Injection Control Program	1984	September 21, 1984, 49 FR 37066.
North Dakota Century Code Sections 38–22–01—38–22–23.	Carbon Dioxide Underground Storage	2009	[Insert new FR date and #].
North Dakota Administrative Code Sections 38–08–16—38–08–17.	Control of Oil and Gas Resources	2013	[Insert new FR date and #].
North Dakota Administrative Code Sections 43–05–01–01—43–05–01–20.	Geologic Storage of Carbon Dioxide	2013	[Insert new FR date and #].

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

* * * * *

■ (e) The Memorandum of Agreement between EPA Region VIII and the North Dakota Industrial Commission, signed by the EPA Regional Administrator on October 28, 2013.

■ (f) The Memorandum of Understanding between the North Dakota Industrial Commission, Department of Mineral Resources, Oil and Gas Division and the North Dakota Department of Health, Water Quality Division, Related to the Underground Injection Control Program signed on June 19, 2013.

■ (g) *Statement of Legal Authority:* ''Class VI Underground Injection Control Program, Attorney General's Statement,'' signed by the Attorney General of North Dakota on January 22, 2013.

■ (h) The Class VI Program Description and any other materials submitted as part of the program revision or as supplements thereto.

[FR Doc. 2017–10001 Filed 5–18–17; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 82, No. 96

Friday, May 19, 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

Submission for OMB Review; Comment Request

May 16, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to Office of Management and Budget (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; (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 June 19, 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), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *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.

Rural Utilities Service

Title: 7 CFR part 1744, subpart B, Lien Accommodations and Subordination Policy.

OMB Control Number: 0572–0126.

Summary of Collection: Recent changes in the telecommunications industry, including deregulation and technological developments, have caused Rural Utilities Service (RUS) borrowers and other organizations providing telecommunications services to consider undertaking projects that provide new telecommunications services and other telecommunications services not ordinarily financed by RUS. The RUS telecommunication program provides loans to borrowers at interest rates and on terms that are more favorable than those generally available from the private sector. To facilitate the financing, RUS will consider accommodating the Federal Government's lien on telecommunications borrowers' systems in an expedited manner based on the financial strength of the borrowers operations as authorized by the Rural Electrification Act of 1936 (RE Act). This collection of information is to ensure that the criteria for fast track lien accommodation are met.

Need and Use of the Information: In order to facilitate supplemental financing for telecommunications services projects, RUS provides fast track lien accommodations to private lenders who propose to lend to RUS borrowers who meet certain financial strength evaluations. Depending on the purposes for which a lien accommodation is sought, RUS will use the information to provide ''automatic'' approval for borrowers that meet the financial tests. The tests are designed to ensure that the financial strength of the borrower is more than sufficient to protect the government's loan security interests; hence, the lien accommodations will not adversely affect the government's financial interests.

Description of Respondents: Business or other for-profit; Not for-profit institutions.

Number of Respondents: 1.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 1.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–10141 Filed 5–18–17; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Funds Availability: Inviting Applications for the Quality Samples Program

SUMMARY: The Commodity Credit Corporation (CCC) announces it is inviting proposals for the 2018 Quality Samples Program (QSP). The intended effect of this notice is to solicit proposals from eligible applicants for fiscal year 2018 and to set out the criteria for the awarding of funds under the program. The QSP is administered by personnel of the Foreign Agricultural Service (FAS).

DATES: To be considered for funding, applications must be received by 5 p.m. Eastern Daylight Time, August 15, 2017. Any applications received after this time will be considered only if funds remain available.

FOR FURTHER INFORMATION CONTACT: Applicants needing assistance should contact Curt Alt in the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service *by courier:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by e-mail: podadmin@fas.usda.gov.* Information is also available on the FAS Web site at *http://www.fas.usda.gov/programs/quality-samples-program-qsp.*

SUPPLEMENTARY INFORMATION:

A. Funding Opportunity Description

Announcement Type: New.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.605.

Authority: The QSP is authorized under Section 5(f) of the CCC Charter Act, 15 U.S.C. 714c(f).

Purpose: The QSP is designed to encourage the development and expansion of export markets for U.S. agricultural commodities by assisting

U.S. entities in providing commodity samples to potential foreign importers to promote a better understanding and appreciation for the high quality of U.S. agricultural commodities.

QSP participants will be responsible for procuring (or arranging for the procurement of) commodity samples, exporting the samples, and providing the on–site technical assistance necessary to facilitate successful use of the samples by importers. Participants that are funded under this announcement may seek reimbursement from CCC for the sample purchase price and for the cost of transporting the samples domestically to the port of export and then to the foreign port or point of entry. Transportation costs from the foreign port or point of entry to the final destination are not eligible for reimbursement. CCC will not reimburse the costs incidental to purchasing and transporting samples, such as: Inspection or documentation fees, certificates of any kind, tariffs, etc. Although providing technical assistance is required for all projects, the costs of providing such technical assistance are not reimbursable under the program. A QSP participant will be reimbursed after CCC reviews its reimbursement claim and determines that the claim is complete.

General Scope of QSP Projects: QSP projects encompass the activities undertaken by a QSP participant to provide an appropriate sample of a U.S. agricultural commodity to a foreign importer, or a group of foreign importers, in a given market. The purpose of these projects is to provide information to the target audience regarding the attributes, characteristics, and proper use of the U.S. commodity. A QSP project addresses a single market/commodity combination.

As a general matter, QSP projects should conform to the following guidelines:

- Projects should benefit the represented U.S. industry and not a specific company or brand;
- Projects should develop a new market for a U.S. product, promote a new U.S. product, or promote a new use for a U.S. product rather than promote the substitution of one established U.S. product for another;
- Commodities provided under a QSP project must be available on a commercial basis and in sufficient supply;
- The QSP project must either subject the commodity sample to further processing or substantial transformation in the importing country, or the sample must be used in technical seminars in the importing country designed to demonstrate the proper preparation or use of the sample in the creation of an end product;
- Samples provided in a QSP project shall not be directly used as part of a retail promotion or supplied directly to consumers. However, the end product (that is, the product resulting from further processing, substantial transformation, or a technical preparation seminar) may be provided to end–use consumers to demonstrate the consumer preference for that end product to importers;
- Samples shall be in quantities less than a typical commercial sale and limited to the amount sufficient to achieve the project goal (*e.g.,* not more than a full commercial mill run in the destination country); and
- Projects should be completed within one year of CCC approval.

QSP projects shall target foreign importers and audiences who:

- Have not previously purchased the U.S. commodity that will be supplied under QSP;
- Are unfamiliar with the variety, quality attributes, or end–use characteristics of the U.S. commodity;
- Have been unsuccessful in previous attempts to import, process, or market the U.S. commodity (*e.g.,* because of improper specification, blending, formulation, sanitary, or phytosanitary issues);
- Are interested in testing or demonstrating the benefits of the U.S. commodity; or
- Need technical assistance in processing or using the U.S. commodity.

B. Award Information

Under this announcement, the number of projects per participant will not be limited. However, individual projects that include further processing or substantial transformation of the sample will be limited to $75,000 of QSP reimbursement, while projects comprised only of technical preparation seminars will be limited to $15,000 of QSP reimbursement due to the need for smaller samples. Financial assistance will be made available on a reimbursement basis only; cash advances will not be made available to any QSP participant.

All proposals will be reviewed against the evaluation criteria contained herein and funds will be awarded on a competitive basis. Funding for successful proposals will be provided through specific agreements between the applicant and CCC. These agreements will incorporate the proposal as approved by FAS. FAS must approve in advance any subsequent changes to the project.

C. Eligibility Information

1. Eligible Organizations: Any United States private or government entity with a demonstrated role or interest in exporting U.S. agricultural commodities may apply to the program. Government organizations consist of Federal, State, and local agencies. Private organizations include non–profit trade associations, universities, agricultural cooperatives, state regional trade groups, and profit–making entities.

2. Cost Sharing: FAS considers the applicant's willingness to contribute resources towards the project, including cash, goods, and services of the U.S. industry and foreign third parties, when determining which proposals to approve for funding.

3. Other: Proposals should include a justification for funding assistance from the program—an explanation as to what specifically could not be accomplished without Federal funding assistance and why the participating organization(s) would be unlikely to carry out the project without such assistance. Applicants may submit more than one proposal.

D. Application and Submission Information

1. Address to Submit Application Package: Organizations must submit their QSP proposals to FAS through the web–based Uniform Export Strategy (UES) system. The UES allows applicants to submit a single consolidated and strategically coordinated proposal that incorporates requests for funding for all of the FAS market development programs. The suggested UES format encourages applicants to examine the constraints or barriers to trade that they face, identify activities that would help overcome such impediments, consider the entire pool of complementary marketing tools and program resources, and establish realistic export goals.

Applicants must contact FAS' Program Operations Division to obtain UES Web site access information. The Internet-based application may be found at the following URL address: *https://www.fas.usda.gov/ues/webapp/.*

Applicants experiencing difficulty or otherwise needing assistance applying to the program should contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service *by courier:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or by fax: (202) 720–9361, or *by email: podadmin@fas.usda.gov.*

2. Content and Form of Application Submission: To be considered for the

QSP, an applicant must submit to FAS, via the UES, the information detailed in this notice. Additionally, in accordance with the Office of Management and Budget's policy directive (68 FR 38402 (June 27, 2003)) regarding the need to identify entities that are receiving government awards, all applicants must submit a Dun and Bradstreet Data Universal Numbering System (DUNS) number. An applicant may request a DUNS number at no cost by calling the dedicated toll–free DUNS number request line at (866) 705–5711.

In addition, in accordance with 2 CFR part 25, each entity that applies to the QSP and does not qualify for an exemption under 2 CFR 25.110 must:

(i) Provide a valid DUNS number in each application it submits to CCC;

(ii) Be registered in the System for Award Management (SAM) prior to submitting an application; and

(iii) Continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration by CCC.

FAS may not make an award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements, and, if an applicant has not fully complied with the requirements by the time FAS is ready to make the award, FAS may determine that the applicant is not qualified to receive the award and use that determination as a basis for making an award to another applicant.

Similarly, in accordance with 2 CFR part 170, each entity that applies to the QSP and does not qualify for an exception under 2 CFR 170.110(b) must ensure it has the necessary processes and systems in place to comply with the applicable reporting requirements of 2 CFR part 170 should it receive QSP funding.

Incomplete proposals or proposals that do not otherwise conform to this announcement will not be accepted for review.

Proposals should contain, at a minimum, the following:

(a) Organizational information, including:

- Organization's name, address, Chief Executive Officer (or designee), Federal Tax Identification Number (TIN), and DUNS number;
- Type of organization;
- Name, telephone number, fax number, and email address of the primary contact person;
- A description of the organization and its membership;
- A description of the organization's prior export promotion experience; and
- A description of the organization's ability to implement the required trade/technical assistance component.

(b) Market information, including:

- An assessment of the market;
- A long–term strategy in the market; and
- U.S. export value/volume and market share (historic and goals) for 2011–2017

(c) Project information, including:

- A brief project title;
- The amount of funding requested;
- The beginning and end dates for the proposed project;
- A brief description of the specific market development trade constraint or opportunity to be addressed by the project;
- A description of the activities planned to address the constraint or opportunity, including how the sample will be used in the end-use performance trial, the attributes of the sample to be demonstrated and its end-use benefit, and details of the trade/technical servicing component (including who will provide and fund this component);
- The performance measures that will be used to benchmark performance and measure the effectiveness of the project, the long-term sales to the market, and the benefits to the represented industry;
- A description of the sample to be provided (*i.e.,* commodity, quantity, quality, type, and grade), including a justification for why a sample with such characteristics is needed (this justification should explain why the project would not be effective with a smaller sample);
- An itemized list of all estimated costs associated with the project for which reimbursement will be sought;
- The importer's role in the project regarding handling and processing the commodity sample; and
- An explanation as to what specifically could not be accomplished without Federal funding assistance and why the participating organization(s) would be unlikely to carry out the project without such assistance;

(d) Information indicating all funding sources and the amounts to be contributed by each entity in support of the proposed project. This may include the organization that submitted the proposal, private industry entities, host governments, foreign third parties, CCC, FAS, or other Federal agencies. Contributed resources may include cash, goods, or services.

3. Submission Dates and Times: QSP applications are reviewed on a rolling basis during the fiscal year as long as QSP funding is available as set forth below:

- Proposals received by 5 p.m. Eastern Daylight Time, August 15, 2017, will be considered for funding with other proposals received by that date;
- Proposals not approved for funding during the initial review period will be reconsidered for funding after the review period only if the applicant specifically requests such reconsideration in writing and only if funding remains available;
- Proposals received after 5 p.m. Eastern Daylight Time, August 15, 2017, will be considered for funding in the order received only if funding remains available.

4. Funding Restrictions: Proposals that request more than $75,000 of CCC funding for individual projects will not be considered. Projects comprised only of technical preparation seminars will be limited to $15,000 in QSP funding. CCC will not reimburse unreasonable expenditures or expenditures made prior to the approval of a proposal.

E. Application Review Information

1. Criteria and Review Process: FAS will use the following criteria in evaluating QSP proposals, each weighted at 10%:

- The income, population, or market share growth potential in the proposed market;
- Whether the benefits of the project would accrue to the entire industry;
- The appropriateness of the proposed sample size for the project;
- The ability of the organization to provide an experienced staff with the requisite technical and trade experience to execute the proposal;
- The extent to which the proposal is targeted to a market in which the United States is generally competitive;
- The potential for expanding commercial sales in the proposed market;
- The nature of the specific market constraint or opportunity identified and how well it is addressed by the proposal;
- The extent to which the importer's contribution in terms of handling and processing enhances the potential outcome of the project;
- The amount of reimbursement requested and the organization's willingness to contribute resources towards the project, including cash, goods, and services of the U.S. industry and foreign third parties; and
- How well the proposed technical assistance component assures that performance trials will effectively demonstrate the intended end-use benefit.

FAS will also review and evaluate how well the following unweighted criteria are addressed in the proposal:

- The quality of the performance measures and how effective they will be

in demonstrating the impact of the project;

- The assessment of the market;
- The long-term strategy in the market; and
- Export goals in each country.

2. Review and Selection Process: Proposals will be evaluated by the appropriate Commodity Branch in FAS' Cooperator Programs Division. The Commodity Branches will review each proposal against the factors described above. The purpose of this review is to identify meritorious proposals, recommend an appropriate funding level for each proposal based upon these factors, and submit the proposals and funding recommendations to the Deputy Administrator, Office of Trade Programs.

In addition, FAS, prior to making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold, is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS) (see 41 U.S.C. 2313). An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. FAS will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR 200.205 ''Federal awarding agency review of risk posed by applicants.''

F. Award Administration Information

1. Award Notices: FAS will notify each applicant in writing of the final disposition of the submitted application. FAS will send an approval letter and agreement to each approved applicant. The approval letter and agreement will specify the terms and conditions applicable to the project, including the levels of QSP funding and any cost-share contribution requirements.

2. Administrative and National Policy Requirements: The agreements will incorporate the details of each project as approved by FAS. Each agreement will identify the terms and conditions pursuant to which CCC will reimburse certain costs of each project. Agreements will also outline the responsibilities of the participant, including, but not limited to, procurement (or arranging for procurement) of the commodity sample at a fair market price, arranging for transportation of the commodity sample within the time limit specified in the agreement (organizations should endeavor to ship commodities within 6 months of the effective date of the agreement), compliance with cargo preference requirements (shipment on United States flag vessels, as required), compliance with the Fly America Act requirements (shipment on United States air carriers, as required), timely and effective implementation of technical assistance, and submission of a written evaluation report within 90 days of expiration or termination of the agreement.

QSP projects are subject to review and verification by FAS' Compliance, Security, and Emergency Planning Division. Upon request, a QSP participant shall provide to CCC the original documents that support the participant's reimbursement claims. CCC may deny a claim for reimbursement if the claim is not supported by adequate documentation.

3. Reporting: A written evaluation report must be submitted via the UES within 90 days of the expiration or termination of each participant's QSP agreement. Evaluation reports should address all performance measures that were presented in the proposal.

G. Agency Contact(s)

For additional information and assistance, contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture *by courier:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: podadmin@fas.usda.gov.*

Signed at Washington, DC, on May 12, 2017.

Holly Higgins,

Acting Administrator, Foreign Agricultural Service, and Acting Vice President, Commodity Credit Corporation.

[FR Doc. 2017–10096 Filed 5–18–17; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Funds Availability: Inviting Applications for the Technical Assistance for Specialty Crops Program

SUMMARY: The Commodity Credit Corporation (CCC) announces that it is inviting proposals for the 2018 Technical Assistance for Specialty Crops (TASC) program. The intended effect of this notice is to solicit proposals from the private sector and from government agencies for fiscal year 2018 and to set out the criteria for the awarding of funds under the program. The TASC program is administered by personnel of the Foreign Agricultural Service (FAS).

DATES: To be considered for funding, proposals must be received by 5 p.m. Eastern Daylight Time, June 19, 2017. Any proposals received after this time will be considered only if funds remain available.

FOR FURTHER INFORMATION CONTACT: Applicants needing assistance should contact Curt Alt in the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service *by courier:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: podadmin@fas.usda.gov.* Information is also available on the FAS Web site at *http://www.fas.usda.gov/programs/technical-assistance-specialty-crops-tasc.*

SUPPLEMENTARY INFORMATION:

A. Funding Opportunity Description

Announcement Type: New.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.604.

Authority: The TASC program is authorized by section 3205 of Public Law 107–171. The TASC regulations appear at 7 CFR part 1487.

Purpose: The TASC program is designed to assist U.S. organizations by providing funding for projects that address sanitary, phytosanitary, or technical barriers that prohibit or threaten the export of U.S. specialty crops. U.S. specialty crops, for the purpose of the TASC program, are defined to include all cultivated plants, or the products thereof, produced in the United States except wheat, feed grains, oilseeds, cotton, rice, peanuts, sugar, and tobacco.

As a general matter, TASC proposals should be designed to address the following criteria:

• Projects should identify and address a clear sanitary, phytosanitary, or technical barrier that prohibits or threatens the export of U.S. specialty crops;

• Projects should demonstrably benefit the represented industry rather than a specific company or brand;

• Projects must address barriers to exports of commercially-available U.S. specialty crops;

• Projects should include an explanation as to what specifically could not be accomplished without Federal funding assistance and why the eligible organization(s) would be unlikely to carry out the project without such assistance; and

• Projects should include performance measures for quantifying progress and demonstrating results. In the development of performance measures, FAS believes the measures should meet the following criteria:

○ Aligned: The indicator should, as closely as possible, measure exactly the relevant result.

○ Clear: The indicator should be precise and unambiguous about what is being measured and how. There should be no doubt on how to measure or interpret the indicator.

○ Quantifiable: The indicator(s) should sufficiently capture all of the elements of a result.

○ Include an identified methodology: The data can be obtained to inform the indicator in a timely and efficient manner and the data are of high-quality.

The full set of indicators selected to monitor project performance should be sufficient to inform project management and oversight.

Examples of project expenses that CCC may agree to reimburse under the TASC program include, but are not limited to: Initial pre-clearance programs, export protocol and work plan support, seminars and workshops, study tours, field surveys, development of pest lists, pest, disease, and fumigant research, reasonable logistical and administrative support, and travel and per diem expenses.

B. Award Information

In general, all qualified proposals received before the submission deadline will compete for funding. The limited funds available and the wide range of barriers affecting the exports of U.S. specialty crops worldwide preclude CCC from approving large budgets for individual projects. Proposals requesting more than $500,000 in any given year will not be considered. Additionally, funding will not be provided for projects that have received TASC funding for five years. The five years do not have to be consecutive. Eligible organizations may submit multi-year proposals. Funding in such cases may, at FAS' discretion, be provided one year at a time with commitments beyond the first year subject to interim evaluations and funding availability. In order to validate funding eligibility, proposals must specify previous years of TASC funding for each proposed activity/title/market/constraint combination. Government entities are not eligible for multi-year funding.

Applicants may submit more than one proposal, and applicants with previously approved TASC proposals may apply for additional funding. However, the maximum number of approved projects that a TASC participant can have underway at any given time is five. Please see 7 CFR part 1487 for additional restrictions. FAS will review all proposals against the evaluation criteria contained in the program regulations.

Funding for successful proposals will be provided through specific agreements. These agreements will incorporate the proposal as approved by FAS. FAS must approve in advance any subsequent changes to the agreement. FAS or another Federal agency may be involved in the implementation of approved agreements.

C. Eligibility Information

1. Eligible Organizations: Any U.S. organization, private or government, with a demonstrated role or interest in exporting U.S. agricultural specialty crops may apply to the program. Government organizations consist of Federal, State, and local agencies. Private organizations may include non-profit trade associations, universities, agricultural cooperatives, state regional trade groups, and private companies.

Foreign organizations, whether government or private, may participate as third parties in activities carried out by eligible organizations, but are not eligible for direct funding assistance through the program.

2. Cost-Sharing or Matching: FAS considers the applicant's willingness to contribute resources towards the project, including cash, goods, and services of the U.S. industry and foreign third parties, when determining which proposals are approved for funding.

3. Funding Justification: Proposals should include a justification for funding assistance from the program—an explanation as to what specifically could not be accomplished without Federal funding assistance and why the participating organization(s) would be unlikely to carry out the project without such assistance.

D. Application and Submission Information

1. Application through the Unified Export Strategy (UES) System: Organizations are strongly encouraged to submit their applications to FAS through the web-based UES application. Using the UES application process reduces paperwork and expedites FAS' processing and review cycle. Applicants planning to use the UES system must first contact FAS' Program Operations Division to obtain site access information, including a user ID and password. The UES Internet-based application may be found at the following URL address: *https://www.fas.usda.gov/ues/webapp/.*

Although FAS highly recommends applying via the web-based UES, applicants have the option of submitting an application to FAS via email at *podadmin@fas.usda.gov.*

Applicants experiencing difficulty or otherwise needing assistance applying to the program should contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service *by courier:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: podadmin@fas.usda.gov.*

2. Content and Form of Application Submission: All TASC proposals must contain complete information about the proposed projects as described in § 1487.5(b) of the TASC program regulations. In addition, in accordance with the Office of Management and Budget's policy directive (68 FR 38402 (June 27, 2003)) regarding the need to identify entities that are receiving government awards, all applicants must submit a Dun and Bradstreet Data Universal Numbering System (DUNS) number. An applicant may request a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at (866) 705–5711.

In addition, in accordance with 2 CFR part 25, each eligible organization that applies to the TASC and does not qualify for an exemption under 2 CFR 25.110 must:

(i) Provide a valid DUNS number in each application it submits to CCC;

(ii) Be registered in the System for Award Management (SAM) prior to submitting an application; and

(iii) Continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration by CCC.

FAS may not make an award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements, and, if an applicant has not fully complied with the requirements by the time FAS is ready to make the award, FAS may determine that the applicant is not qualified to receive the award and use that determination as a basis for making an award to another applicant.

Similarly, in accordance with 2 CFR part 170, each eligible organization that applies to the TASC program and does not qualify for an exception under 2 CFR 170.110(b) must ensure it has the necessary processes and systems in place to comply with the applicable reporting requirements of 2 CFR part 170 should it receive TASC funding.

Incomplete proposals or proposals that do not otherwise conform to this announcement will not be accepted for review.

3. Submission Dates and Times: TASC proposals are reviewed on a rolling basis during the fiscal year as long as TASC funding is available as set forth below:

- Proposals received by 5 p.m. Eastern Daylight Time, June 19, 2017, will be considered for funding with other proposals received by that date;
- Proposals not approved for funding during the initial review period will be reconsidered for funding after the review period only if the applicant specifically requests such reconsideration in writing and only if funding remains available;
- Proposals received after 5 p.m. Eastern Daylight Time, June 19, 2017, will be considered for funding in the order received only if funding remains available.

FAS will track the time and date of receipt of all proposals.

4. Funding Restrictions: Although funded projects may take place in the United States or abroad, all eligible projects must specifically address sanitary, phytosanitary, or technical barriers to the export of U.S. specialty crops.

Certain types of expenses are not eligible for reimbursement by the program, such as the costs of market research, advertising, or other promotional expenses, and will be set forth in the written program agreement between CCC and the participant. CCC will also not reimburse unreasonable expenditures or any expenditure made prior to the approval of a proposal.

5. Other Submission Requirements: All applications submitted through the UES must be received by 5 p.m., Eastern Daylight Time, June 19, 2017, in order to be considered for funding; late submissions received after the deadline will be considered only if funding remains available. All applications submitted by email must be received at *podadmin@fas.usda.gov* by 5 p.m. Eastern Daylight Time, June 19, 2017, in order to receive the same consideration.

E. Application Review Information

1. Criteria: FAS follows the evaluation criteria set forth in § 1487.6 of the TASC regulations. Reviewers will evaluate according to the following criteria:

(1) The nature of the specific export barrier and the extent to which the proposal is likely to successfully remove, resolve, or mitigate that barrier (12.5%);

(2) The potential trade impact of the proposed project on market retention, market access, and market expansion, including the potential for expanding commercial sales in the targeted market (12.5%);

(3) The completeness and viability of the proposal. Among other things, this can include the cost of the project and the amount of other resources dedicated to the project, including cash, goods, and services of the U.S. industry and foreign third parties (15%);

(4) The ability of the organization to provide an experienced staff with the requisite technical and trade experience to execute the proposal (15%);

(5) The extent to which the proposal is targeted to a market in which the United States is generally competitive (17.5%);

(6) The degree to which time is essential to addressing specific export barriers (5%);

(7) The ability of the applicant to provide a broad base of producer representation (12.5%); and

(8) The effectiveness of the performance measures and potential of the performance measures to measure project results (10%).

2. Review and Selection Process: FAS will review proposals for eligibility and will evaluate each proposal against the criteria referred to above. The purpose of this review is to identify meritorious proposals, recommend an appropriate funding level for each proposal based upon these factors, and submit the proposals and funding recommendations to the Deputy Administrator, Office of Trade Programs. FAS may, when appropriate, request the assistance of other U.S. government subject area experts in evaluating the merits of a proposal.

In addition, FAS, prior to making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold, is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS) (see 41 U.S.C. 2313). An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. FAS will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR 200.205 ''Federal awarding agency review of risk posed by applicants.''

F. Award Administration Information

1. Federal Award Notices: FAS will notify each applicant in writing of the final disposition of the submitted application. FAS will send an approval letter and agreement to each approved applicant. The approval letter and agreement will specify the terms and conditions applicable to the project, including levels of funding, timelines for implementation, and reporting requirements.

2. Administrative and National Policy Requirements: The agreements will incorporate the details of each project as approved by FAS. Each agreement will identify terms and conditions pursuant to which CCC will reimburse certain costs of each project. Agreements will also outline the responsibilities of the participant. Interested parties should review the TASC program regulations found at 7 CFR part 1487 in addition to this announcement. TASC program regulations are available at the following URL address: *http://www.fas.usda.gov/programs/technical-assistance-specialty-crops-tasc.*

3. Reporting: TASC participants will be required to submit annual interim reports and a final performance report, each of which evaluate the TASC project using the performance measures presented in the approved proposal, as set forth in the written program agreement.

G. Federal Awarding Agency Contact

For additional information and assistance, contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture *by courier:* Room 6512, 1400 Independence

Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: podadmin@fas.usda.gov.*

Signed at Washington, DC, on the 12th of May 2017.

Holly Higgins,

Acting Administrator, Foreign Agricultural Service, and Acting Vice President, Commodity Credit Corporation.

[FR Doc. 2017–10106 Filed 5–18–17; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Funds Availability: Inviting Applications for the Emerging Markets Program

SUMMARY: The Commodity Credit Corporation (CCC) announces that it is inviting proposals for the 2018 Emerging Markets Program (EMP). The intended effect of this notice is to solicit proposals from the private sector and from government agencies for fiscal year 2018 and to set out the criteria for the awarding of funds under the program. The EMP is administered by personnel of the Foreign Agricultural Service (FAS).

DATES: To be considered for funding, proposals must be received by 5 p.m. Eastern Daylight Time, August 15, 2017. Any applications received after this time will be considered only if funds remain available.

FOR FURTHER INFORMATION CONTACT: Applicants needing assistance should contact Curt Alt in the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service *by courier:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: podadmin@fas.usda.gov.* Information is also available on the Foreign Agricultural Service Web site at *http://www.fas.usda.gov/programs/emerging-markets-program-emp.*

SUPPLEMENTARY INFORMATION:

A. Funding Opportunity Description

Announcement Type: New.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.603.

Authority: The EMP is authorized by section 1542(d)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990, as amended. The EMP regulations appear at 7 CFR part 1486.

1. Purpose. The EMP assists U.S. entities in developing, maintaining, or expanding exports of U.S. agricultural commodities and products by funding activities that enhance emerging markets' food and rural business systems, including reducing trade barriers. The EMP is intended primarily to support export market development efforts of the private sector, but EMP resources may also be used to assist public organizations.

All U.S. agricultural commodities, except tobacco, are eligible for consideration. Agricultural product(s) should be comprised of at least 50 percent U.S. origin content by weight, exclusive of added water, to be eligible for funding. Proposals that seek support for multiple commodities are also eligible. EMP funding may only be used for generic activities intended to develop, maintain, or expand emerging markets for U.S. agricultural commodities and products. EMP funding may not be used to support the export of another country's products to the United States, or to promote the development of a foreign economy as a primary objective.

2. Appropriate Activities. All EMP projects must fall into at least one of the following four categories:

(a) Assistance to teams consisting primarily of U.S. individuals expert in assessing the food and rural business systems of other countries. This type of EMP project must include all three of the following:

- Conduct an assessment of the food and rural business system needs of an emerging market;
- Make recommendations on measures necessary to enhance the effectiveness of those systems; and
- Identify opportunities and projects to enhance the effectiveness of the emerging market's food and rural business systems in order to grow U.S. exports.

To be eligible, such proposals must clearly demonstrate that experts are primarily agricultural consultants, farmers, other persons from the private sector, or government officials and that they have expertise in assessing the food and rural business systems of other countries.

(b) Assistance to enable individuals from emerging markets to travel to the United States so that these individuals can, for the purpose of enhancing the food and rural business systems in their countries, consult with food and rural business system experts in the United States.

(c) Assistance to enable U.S. agricultural producers and other individuals knowledgeable in agricultural and agribusiness matters to travel to emerging markets to assist in transferring their knowledge and expertise to entities in the emerging market to enhance the market's rural and food business systems in support of U.S. exports. Such travel must be to emerging markets. Travel to developed markets is not eligible under the program even if the targeted market is an emerging market.

(d) Technical assistance to implement the recommendations or to carry out projects and/or opportunities identified under 2(a) above. Technical assistance that does not implement the recommendations, projects, and/or opportunities identified under 2(a) above is not eligible under the EMP.

Proposals that do not fall into one or more of the four categories above, regardless of previous guidance provided regarding the EMP, are not eligible for consideration under the program.

EMP funds may not be used to support normal operating costs of individual organizations, nor as a source to recover pre-award costs or prior expenses from previous or ongoing projects. Proposals that counter national strategies or duplicate activities planned or already underway by U.S. non-profit agricultural commodity or trade associations will not be considered. Other ineligible expenditures include: Branded product promotions (*e.g.,* in-store, restaurant advertising, labeling, etc.); advertising; administrative and operational expenses for trade shows; Web site development; equipment purchases; and the preparation and printing of brochures, flyers, and posters (except in connection with specific technical assistance activities such as training seminars). For a more complete description of ineligible expenditures, please refer to the EMP regulations.

3. Eligible Markets. Because EMP funds are limited and the range of potential emerging market countries is broad, consideration will be given only to proposals that target countries or regional groups classified below the World Bank's threshold for upper middle-income economies. World Bank income limits and country classifications can change from year to year, with the result that a given country may qualify under the legislative and administrative criteria one year, but not the next. Therefore, applicants should consult the current World Bank country classification list for guidance.

A few countries technically qualify as emerging markets but may require a separate determination before funding can be considered because of political sensitivities.

B. Award Information

In general, all qualified proposals received before the application deadline

will compete for EMP funding. The applicant's willingness to contribute resources towards the project, including cash, goods, and services, will be a critical factor in determining which proposals are funded under the EMP. Each proposal will also be judged on the potential benefits to the industry represented by the applicant and the degree to which the proposal demonstrates industry support.

The limited funds available and the wide range of eligible emerging markets worldwide generally preclude CCC from approving large budgets for individual projects. While there is no minimum or maximum amount set for EMP-funded projects, most projects are funded at a level of less than $500,000 and for a duration of one year. Private entities may submit multi-year proposals requesting higher levels of funding, although funding in such cases is generally limited to three years and provided one year at a time with commitments beyond the first year subject to interim evaluations and funding availability. Proposals from government entities are not eligible for multi-year funding.

Funding for successful proposals will be provided through specific agreements. The CCC, through FAS, will be kept informed of the implementation of approved projects through interim progress reports and final performance reports. Changes in the original project timelines and adjustments within project budgets must be approved in advance by FAS.

Note: EMP funds awarded to government agencies must be expended or otherwise obligated by close of business September 30, 2018.

C. Eligibility and Qualification Information

1. Eligible Organizations: Any U.S. private or government entity (*e.g.,* universities, trade associations, agricultural cooperatives, state regional trade groups, state departments of agriculture, federal agencies, for-profit entities, and consulting businesses) with a demonstrated role or interest in the export of U.S. agricultural commodities or products may apply to the program. Proposals from research and consulting organizations will be considered if they provide evidence of substantial participation by and financial support from the U.S. industry. For-profit entities may not use program funds to conduct private business, promote private self-interests, supplement the costs of normal sales activities, or promote their own products or services beyond specific uses approved by CCC in a given project. Foreign organizations, whether government or private, may participate as third parties in activities carried out by U.S. organizations but are not eligible for direct funding assistance through the program.

2. Cost Sharing: No private sector proposal will be considered without a cost-share element from the applicant and/or U.S. partners. The EMP is intended to complement, not supplant, the efforts of the U.S. private sector. There is no minimum or maximum amount of cost-share, though the degree of commitment to a proposed project, represented by the amount and type of private funding, is one factor used in determining which proposals will be approved for funding. Cost-share may be actual cash invested or professional time of staff assigned to the project. Proposals for which private industry is willing to commit cash, rather than in-kind contributions such as staff resources, will be given priority consideration.

Cost-sharing is not required for proposals from government agencies, but is mandatory for all other eligible entities, even when they may be party to a joint proposal with a government agency. Contributions from USDA or other government agencies or programs may not be counted as cost-share by other applicants. Similarly, contributions from foreign (non-U.S.) organizations may not be counted toward the cost-share requirement, but may be counted in the total cost of the project.

3. Other: Proposals should include a justification for funding assistance from the program—an explanation as to what specifically could not be accomplished without Federal funding assistance and why the participating organization(s) would be unlikely to carry out the project without such assistance. Applicants may submit more than one proposal.

D. Application and Submission Information

1. Address to Submit Application Package: EMP applicants have the opportunity to utilize the Unified Export Strategy (UES) application process, an online system that provides a means for interested applicants to submit a consolidated and strategically coordinated single proposal that incorporates funding requests for all of the market development programs administered by FAS.

Applicants are strongly encouraged to submit their applications to FAS through the web-based UES application. The Internet-based format reduces paperwork and expedites FAS' processing and review cycle. Applicants planning to use the on-line UES system must first contact the Program Operations Division to obtain site access information. The Internet-based application is located at the following URL address: *https://www.fas.usda.gov/ues/webapp/.*

Although FAS highly recommends applying via the UES, applicants also have the option of submitting an electronic application to FAS via email to *podadmin@fas.usda.gov.*

Applicants experiencing difficulty or otherwise needing assistance applying to the program should contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service *by courier:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: podadmin@fas.usda.gov.*

2. Content and Form of Application Submission: To be considered for the EMP, an applicant must submit to FAS information required by this Notice of Funds Availability and the EMP regulations at 7 CFR part 1486. EMP regulations and additional information are available at the following URL address: *http://www.fas.usda.gov/programs/emerging-markets-program-emp.*

In addition, in accordance with the Office of Management and Budget's issuance of a final policy (68 FR 38402 (June 27, 2003)) regarding the need to identify entities that are receiving government awards, all applicants must submit a Dun and Bradstreet Data Universal Numbering System (DUNS) number. An applicant may request a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at (866) 705–5711.

In addition, in accordance with 2 CFR part 25, each entity that applies to the EMP and does not qualify for an exemption under 2 CFR 25.110 must:

(i) Provide a valid DUNS number in each application it submits to CCC;

(ii) Be registered in the System for Award Management (SAM) prior to submitting an application; and

(iii) Continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration by CCC.

FAS may not make an award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements, and, if an applicant has not fully complied with the requirements by the time FAS is ready to make the award,

FAS may determine that the applicant is not qualified to receive the award and use that determination as a basis for making an award to another applicant.

Similarly, in accordance with 2 CFR part 170, each entity that applies to the EMP and does not qualify for an exception under 2 CFR 170.110(b) must ensure it has the necessary processes and systems in place to comply with the applicable reporting requirements of 2 CFR part 170 should it receive EMP funding.

Applications should be no longer than ten (10) pages and include the following information:

(a) Date of proposal;

(b) Name of organization submitting proposal;

(c) Organization address, telephone, and fax;

(d) Tax ID number;

(e) DUNS number;

(f) Primary contact person;

(g) Full title of proposal;

(h) Target market(s);

(i) Specific description of activity/activities to be undertaken;

(j) Clear demonstration that successful implementation will enhance the emerging market's food and rural business system and/or reduce trade barriers, and will benefit the industry as a whole and not just the applicant(s);

(k) Current conditions and market analysis (production, supply, demand, import competition, U.S. trade) in the target market(s) affecting the commodity or product;

(l) Description of the need to assess the food and rural business systems of the emerging market, or of the recommendations, projects, and/or opportunities previously identified by an approved EMP assessment that are to be addressed by the project;

(m) Project objectives;

(n) Performance measures for quantifying progress and demonstrating results. In the development of performance measures, FAS believes the measures should meet the following criteria:

- Aligned: The indicator should, as closely as possible, measure exactly the relevant result.
- Clear: The indicator should be precise and unambiguous about what is being measured and how. There should be no doubt on how to measure or interpret the indicator.
- Quantifiable: The indicator(s) should sufficiently capture all of the elements of a result.
- Include an identified methodology: The data can be obtained to inform the indicator in a timely and efficient manner and the data are of high-quality.

The full set of indicators selected to monitor project performance should be sufficient to inform project management and oversight.

(o) Explanation of the underlying reasons for the project proposal and its approach, the anticipated benefits, and any additional pertinent analysis;

(p) Explanation as to what specifically could not be accomplished without Federal funding assistance and why the participating organization(s) would be unlikely to carry out the project without such assistance;

(q) Timeline(s) for implementation of activity, including start and end dates;

(r) Information on whether similar activities are or have previously been funded with USDA resources in the target country or countries (*e.g.,* under the MAP and/or Cooperator programs);

(s) Detailed line item activity budgets:

- Cost items should be allocated separately to each participating organization;
- Costs for consultant fees should show the calculation of the daily rate and the number of days;
- Costs for travel expenses should show the number of trips and the destination, number of travelers, cost, and objective for each trip;
- Individual expense line items (*e.g.,* salaries, travel expenses, consultant fees, administrative costs, etc.) should be listed on separate lines, each clearly indicating:

(1) Which items are to be covered by EMP funding;

(2) Which are to be covered by the participating U.S. organization(s); and

(3) Which are to be covered by foreign third parties (if applicable); and

(t) Qualifications of applicant(s) should be included as an attachment.

3. Funding Restrictions: Certain types of expenses are not eligible for reimbursement by the program, and there are limits on other categories of expenses, such as indirect overhead charges, travel expenses, and consulting fees. CCC will also not reimburse unreasonable expenditures or expenditures made prior to approval of a proposal. Full details of the funding restrictions are available in the EMP regulations.

4. Submission Dates and Times: EMP proposals are reviewed on a rolling basis during the fiscal year as long as EMP funding is available as set forth below:

- Proposals received by 5 p.m. Eastern Daylight Time, August 15, 2017, will be considered for funding with other proposals received by that date;
- Proposals not approved for funding during the initial review period will be reconsidered for funding after the review period only if the applicant specifically requests such reconsideration in writing and only if funding remains available;
- Proposals received after 5 p.m. Eastern Daylight Time, August 15, 2017, will be considered for funding in the order received only if funding remains available.

5. Other Submission Requirements: All Internet-based applications must be properly submitted by 5 p.m., Eastern Daylight Time, August 15, 2017, in order to be considered for funding; late submissions received after the deadline will be considered only if funding remains available. All applications submitted by email must be received at *podadmin@fas.usda.gov* by 5 p.m. Eastern Daylight Time, August 15, 2017, in order to receive the same consideration. After August 15, 2017, proposals will continue to be accepted on a rolling basis as long as funding remains.

E. Application Review Information

1. Evaluation criteria. FAS will consider a number of factors when reviewing proposals, including:

- Appropriateness of the Activity, which will vary based on the type of proposal but will include: *For assessment proposals:* Does the proposal present a methodology that is likely to result in the needed recommendations and identification of specific opportunities and projects? Is the assessment team comprised of credible U.S. experts with experience in assessing food and rural business systems? *For travel proposals:* Is the exchange of knowledge and expertise clearly described in terms of enhancements to the emerging market's food and rural business systems? Do we understand how travelers are selected? *For technical assistance proposals:* Are the proposed activities identified in the supporting assessment? Is the potential for the proposed activities to enhance the effectiveness of the emerging market's food and rural business systems sufficiently justified? (30%);
- Market Impact, including the degree to which the proposed project is likely to contribute to the development, maintenance, or expansion of U.S. agricultural exports to emerging markets; the conditions or constraints affecting the level of U.S. exports and market share for the agricultural commodity/product; demonstration of how a proposed project will benefit the industry as a whole; and the quality of the project's proposed performance measures and the ability of the performance measures to measure outcomes (impact) and not just outputs. (50%); and

• Completeness and Viability of the proposal, including evidence that the organization has the knowledge, expertise, ability, and resources to successfully implement the project, the entity's willingness to contribute resources to the project, and the applicant's reported past EMP results and evaluations, if applicable. (20%).

2. Review and Selection Process: All proposals will undergo a multi-phase review within FAS, by appropriate FAS field offices, and, as needed, by the private sector Advisory Committee on Emerging Markets to rate the qualifications, quality, and appropriateness of projects and the reasonableness of project budgets.

In addition, FAS, prior to making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold, is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS) (see 41 U.S.C. 2313). An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. FAS will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR 200.205 ''Federal awarding agency review of risk posed by applicants.''

F. Federal Award Administration Information

1. Award Notices: FAS will notify each applicant in writing of the final disposition of the submitted proposal. FAS will send an approval letter and project agreement to each approved applicant. The approval letter and agreement will specify the terms and conditions applicable to the project, including the levels of EMP funding and cost-share contribution requirements.

2. Administrative and National Policy Requirements: Interested parties should review the EMP regulations, which are available at the following URL address: *http://www.fas.usda.gov/programs/emerging-markets-program-emp.*

3. Reporting. Program reporting requirements are detailed in 7 CFR part 1486 and are provided in the Project Agreement.

G. Federal Awarding Agency Contact(s)

For additional information and assistance, contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture *by courier:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: podadmin@fas.usda.gov.*

Signed at Washington, DC, on May 12, 2017.

Holly Higgins,

Acting Administrator, Foreign Agricultural Service, and Acting Vice President, Commodity Credit Corporation.

[FR Doc. 2017–10105 Filed 5–18–17; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Funds Availability: Inviting Applications for the Foreign Market Development Cooperator Program

SUMMARY: The Commodity Credit Corporation (CCC) announces that it is inviting proposals for the 2018 Foreign Market Development Cooperator (Cooperator) program. The intended effect of this notice is to solicit applications from eligible applicants for fiscal year 2018 and to set out criteria for the awarding of funds under the program. The Cooperator program is administered by personnel of the Foreign Agricultural Service (FAS).

DATES: All applications must be received by 5 p.m. Eastern Daylight Time, June 19, 2017. Applications received after this date will not be considered.

FOR FURTHER INFORMATION CONTACT: Applicants needing assistance should contact Curt Alt in the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service *by courier:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: uesadmin@fas.usda.gov.* Information is also available on the FAS Web site at the following URL address: *http://www.fas.usda.gov/programs/foreign-market-development-program-fmd.*

SUPPLEMENTARY INFORMATION:

A. Funding Opportunity Description

Announcement Type: New.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.600.

Authority: The Cooperator program is authorized by Title VII of the Agricultural Trade Act of 1978, as amended. Cooperator program regulations appear at 7 CFR part 1484.

Purpose: The Cooperator program is designed to create, expand, and maintain foreign markets for U.S. agricultural commodities and products through cost-share assistance. Financial assistance under the Cooperator program will be made available on a competitive basis and applications will be reviewed against the evaluation criteria contained herein and in the Cooperator program regulations. All U.S. agricultural commodities, except tobacco, are eligible for consideration.

FAS allocates funds in a manner that effectively supports the strategic decision-making initiatives of the Government Performance and Results Act (GPRA) of 1993. In deciding whether a proposed project will contribute to the effective creation, expansion, or maintenance of foreign markets, FAS considers whether the applicant provides a clear, long-term agricultural trade strategy and an effective program time line against which results can be measured at specific intervals using quantifiable product or country goals. FAS also considers the extent to which a proposed project targets markets with the greatest growth potential. These factors are part of the FAS resource allocation strategy to fund applicants who can demonstrate performance and address the objectives of the GPRA.

Funding Available: The Agricultural Trade Act of 1978, as amended, provides up to $34.5 million annually for the Cooperator program. Actual funding available in FY 2018 may be different due to sequestration or other Congressional action.

B. Award Information

Under the Cooperator program, CCC enters into agreements with eligible nonprofit U.S. trade organizations to share the cost of certain overseas marketing and promotion activities. Funding priority is given to organizations that have the broadest possible producer representation of the commodity being promoted and that are nationwide in membership and scope. Cooperators may receive assistance only for generic activities that do not involve promotions targeted directly to consumers purchasing in their individual capacity. The Cooperator program generally operates on a reimbursement basis.

C. Eligibility Information

1. Eligible Organizations: To participate in the Cooperator program, an applicant must be a nonprofit U.S. agricultural trade organization.

2. Cost-Sharing: To participate in the Cooperator program, an applicant must agree to contribute resources to its proposed promotional activities. The Cooperator program is intended to supplement, not supplant, the efforts of the U.S. private sector. The contribution must be at least 50 percent of the value of resources provided by CCC for activities conducted under the project agreement.

The degree of commitment of an applicant to the promotional strategies contained in its application, as represented by the cost-share contributions specified therein, is considered by FAS when determining which applications will be approved for funding. Cost-share may be actual cash invested or in-kind contributions, such as professional staff time spent on the design and implementation of activities. The Cooperator program regulations, including §§ 1484.50 and 1484.51, provide detailed discussion of eligible and ineligible cost-share contributions.

3. Other: Applications should include a justification for funding assistance from the program—an explanation as to what specifically could not be accomplished without federal funding assistance and why participating organization(s) are unlikely to carry out the project without such assistance.

D. Application and Submission Information

1. Address to Submit Application Package: Organizations should submit their Cooperator program applications to FAS through the web-based Unified Export Strategy (UES) system. The UES allows applicants to submit a single consolidated and strategically coordinated proposal that incorporates requests for funding under all of the FAS market development programs. The suggested UES format encourages applicants to examine the constraints or barriers to trade that they face, identify activities that would help overcome such impediments, consider the entire pool of complementary marketing tools and program resources, and establish realistic export goals. Applicants planning to use the UES must first contact FAS' Program Operations Division to obtain site access information. The web-based application may be found at the following URL address: *https://www.fas.usda.gov/ues/webapp/.*

Applicants experiencing difficulty or otherwise needing assistance applying to the program should contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service *by courier:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: uesadmin@fas.usda.gov.*

2. Content and Form of Application Submission: To be considered for the Cooperator program, an applicant must submit to FAS information required by § 1484.20 of the Cooperator program regulations. In addition, in accordance with the Office of Management and Budget's policy (68 FR 38402 (June 27, 2003)) regarding the need to identify entities that are receiving government awards, all applicants must submit a Dun and Bradstreet Data Universal Numbering System (DUNS) number. An applicant may request a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at (866) 705–5711.

In addition, in accordance with 2 CFR part 25, each entity that applies to the Cooperator program and does not qualify for an exemption under 2 CFR 25.110 must:

(i) Provide a valid DUNS number in each application;

(ii) Be registered in the System for Award Management (SAM) prior to submitting an application; and

(iii) Continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration by CCC.

FAS may not make an award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements, and, if an applicant has not fully complied with the requirements by the time FAS is ready to make the award, FAS may determine that the applicant is not qualified to receive the award and use that determination as a basis for making an award to another applicant.

Similarly, in accordance with 2 CFR part 170, each entity that applies to the Cooperator program and does not qualify for an exception under 2 CFR 170.110(b) must ensure it has the necessary processes and systems in place to comply with the applicable reporting requirements of 2 CFR part 170 should it receive funding under the Cooperator program.

Incomplete applications or applications that do not otherwise conform to this announcement or the Cooperator program regulations will not be accepted for review.

3. Submission Dates and Times: All applications must be received by 5 p.m. Eastern Daylight Time, June 19, 2017. By the application deadline, all Cooperator program applicants must also submit to FAS a signed certification statement as specified in 7 CFR 1484.20(a)(14). The completed certification statements can be sent via courier/delivery service to the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture, Room 6512, 1400 Independence Ave. SW., Washington, DC 20250. Applicants can also send a scanned copy of the signed certification statement via email to: *uesadmin@fas.usda.gov.* Applications or certifications received after the deadline will not be considered.

4. Funding Restrictions: Certain types of expenses are not eligible for reimbursement by the program, and there are limits on other categories of expenses. CCC also will not reimburse unreasonable expenditures or expenditures made prior to approval. Full details are available in §§ 1484.54 and 1484.55 of the Cooperator program regulations.

E. Application Review Information

1. Criteria and Review and Selection Process: A description of the FAS process for reviewing applications and the criteria for allocating available Cooperator program funds is as follows:

(1) Phase 1—Sufficiency Review and FAS Divisional Review

Applications received by the closing date will be reviewed by FAS to determine the eligibility of the applicants and the completeness of the applications. These requirements appear in §§ 1484.14 and 1484.20 of the Cooperator program regulations as well as in this Notice. Applications that meet the requirements will be further evaluated by the appropriate Commodity Branch office of FAS' Cooperator Programs Division. The Commodity Branch will review each application against the criteria listed in § 1484.21 of the Cooperator program regulations. The purpose of this review is to identify meritorious proposals. The Commodity Branch then recommends an appropriate funding level for each application for consideration by the Office of the Deputy Administrator, Office of Trade Programs.

(2) Phase 2—Competitive Review

Meritorious applications are passed on to the Office of the Deputy Administrator, Office of Trade Programs, for the purpose of allocating available funds among those applicants. Applicants will compete for funds on the basis of the following allocation

criteria as appropriate (the number in parentheses represents the percentage weight factor):

(a) Applicant's Contribution Level (40): The applicant's 6-year average share (2013–2018) of all contributions under the Cooperator program compared to the applicant's 6-year average share (2013–2018) of the funding level for all Cooperator program participants.

(b) Past U.S. Export Performance (20): The 6-year average share (2012–2017) of the value of U.S. exports promoted by the applicant compared to the applicant's 6-year average share (2012–2017) of the funding level for all Cooperator participants plus, for those groups participating in the MAP program, the 6-year average share (2012–2017) of all MAP budgets.

(c) Past Demand Expansion Performance (20): The 6-year average share (2012–2017) of the total value of world trade of the commodities promoted by the applicant compared to the applicant's 6-year average share (2012–2017) of all Cooperator program expenditures plus, for those groups participating in the MAP program, a 6-year average share (2012–2017) of all MAP expenditures.

(d) Future Demand Expansion Goals (10): The total dollar value of projected world trade of the commodities being promoted by the applicant for the year 2023 compared to the applicant's requested funding level.

(e) Accuracy of Past Demand Expansion Projections (10): The actual dollar value share of world trade of the commodities being promoted by the applicant for the year 2016 as reported in the 2018 Cooperator program application compared to the projection of world trade of the commodities being promoted by the applicant for 2016 as specified in the applicant's 2013 Cooperator program application.

The Commodity Branches' recommended funding levels for each applicant are adjusted by each weight factor as described above to determine the amount of funds allocated to each applicant.

In addition, FAS, prior to making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold, is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS) (see 41 U.S.C. 2313). An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. FAS will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR 200.205 ''Federal awarding agency review of risk posed by applicants.''

2. Anticipated Announcement Date: Announcements of funding decisions for the Cooperator program are anticipated during October 2017.

F. Award Administration Information

1. Award Notices: FAS will notify each applicant in writing of the final disposition of its application. FAS will send an approval letter and project agreement to each approved applicant. The approval letter and project agreement will specify the terms and conditions applicable to the project, including the levels of Cooperator program funding and cost-share contribution requirements.

2. Administrative and National Policy Requirements: Interested parties should review the Cooperator program regulations, which are available at the following URL address: *http://www.fas.usda.gov/programs/foreign-market-development-program-fmd.*

3. Reporting: FAS requires various reports and evaluations from Cooperators. Reporting requirements are detailed in the Cooperator program regulations in §§ 1484.53, 1484.70, and 1484.72.

G. Agency Contact(s)

For additional information and assistance, contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture *by courier:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: uesadmin@fas.usda.gov.*

Signed at Washington, DC, on May 12, 2017.

Holly Higgins,

Acting Administrator, Foreign Agricultural Service, and Acting Vice President, Commodity Credit Corporation.

[FR Doc. 2017–10097 Filed 5–18–17; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Funds Availability: Inviting Applications for the Market Access Program

SUMMARY: The Commodity Credit Corporation (CCC) announces that it is inviting applications for the 2018 Market Access Program (MAP). The intended effect of this notice is to solicit proposals from eligible applicants for fiscal year 2018 and to set out the criteria for the awarding of funds under the program. The MAP is administered by personnel of the Foreign Agricultural Service (FAS).

DATES: All applications must be received by 5 p.m. Eastern Daylight Time, June 19, 2017. Applications received after this date will not be considered.

FOR FURTHER INFORMATION CONTACT: Applicants needing assistance should contact Curt Alt in the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service *by courier:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: uesadmin@fas.usda.gov.* Information is also available on the FAS Web site at the following URL address: *http://www.fas.usda.gov/programs/market-access-program-map.*

SUPPLEMENTARY INFORMATION:

A. Funding Opportunity Description

Announcement Type: New.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.601.

Authority: The MAP is authorized under Section 203 of the Agricultural Trade Act of 1978, as amended. MAP regulations appear at 7 CFR part 1485.

Purpose: The MAP is designed to create, expand, and maintain foreign markets for U.S. agricultural commodities and products through cost-share assistance. Financial assistance under the MAP is made available on a competitive basis, and applications are reviewed against the evaluation criteria contained herein and in the MAP regulations. All U.S. agricultural commodities, except tobacco, are eligible for consideration.

FAS allocates funds in a manner that effectively supports the strategic decision-making initiatives of the Government Performance and Results Act (GPRA) of 1993. In deciding whether a proposed project will contribute to the effective creation, expansion, or maintenance of foreign markets, FAS considers whether the

applicant provides a clear, long-term agricultural trade strategy and an effective program time line against which results can be measured at specific intervals using quantifiable product or country goals. FAS also considers the extent to which a proposed project targets markets with the greatest growth potential. These factors are part of the FAS resource allocation strategy to fund applicants who can best demonstrate performance and address the objectives of the GPRA.

Funding Available: The Agricultural Trade Act of 1978, as amended, provides up to $200 million annually for MAP. Actual funding available in FY 2018 may be different due to sequestration or other Congressional action.

B. Award Information

Under the MAP, CCC enters into agreements with eligible Participants to share the cost of certain overseas marketing and promotion activities. MAP Participants may receive assistance for generic or brand promotion activities. For generic activities, funding priority is given to organizations that have the broadest possible producer representation of the commodity being promoted and that are nationwide in membership and scope. For branded activities, only nonprofit U.S. agricultural trade organizations, nonprofit state regional trade groups (SRTGs), U.S. agricultural cooperatives, and state government agencies can participate directly in the brand program. The MAP generally operates on a reimbursement basis.

C. Eligibility Information

1. Eligible Organizations: To participate in the MAP, an applicant must be a nonprofit U.S. agricultural trade organization, a nonprofit state regional trade group, a U.S. agricultural cooperative, or a state government agency. Small-sized private U.S. commercial entities may participate in a branded program through a MAP Participant.

2. Cost-Sharing: To participate in the MAP, an applicant must agree to contribute resources towards its proposed promotional activities. The MAP is intended to supplement, not supplant, the efforts of the U.S. private sector. In the case of generic promotion, the contribution must be at least 10 percent of the value of resources provided by CCC for such generic promotion. In the case of branded promotion, the contribution must be at least 50 percent of the total cost of such brand promotion.

The degree of commitment of an applicant to the promotional strategies contained in its application, as represented by the cost-share contributions specified therein, is considered by FAS when determining which applications will be approved for funding. Cost-share may be actual cash invested or in-kind contributions, such as professional staff time spent on the design and implementation of activities. The MAP regulations, in § 1485.16, provide a detailed discussion of eligible and ineligible cost-share contributions.

3. Other: Applications should include a justification for funding assistance from the program—an explanation as to what specifically could not be accomplished without federal funding assistance and why participating organizations are unlikely to carry out the project without such assistance.

D. Application and Submission Information

1. Address to Submit Application Package: Organizations should submit their MAP applications to FAS through the web-based Unified Export Strategy (UES) system. The UES allows interested applicants to submit a single consolidated and strategically coordinated proposal that incorporates requests for funding under all of the FAS market development programs. The suggested UES format encourages applicants to examine the constraints or barriers to trade that they face, identify activities that would help overcome such impediments, consider the entire pool of complementary marketing tools and program resources, and establish realistic export goals. Applicants planning to use the UES must first contact FAS' Program Operations Division to obtain site access information. The web-based application may be found at the following URL address: *https://www.fas.usda.gov/ues/webapp/.*

Applicants experiencing difficulty or otherwise needing assistance applying to the program should contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service *by courier:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: uesadmin@fas.usda.gov.*

2. Content and Form of Application Submission: To be considered for the MAP, an applicant must submit to FAS the information required by § 1485.13 of the MAP regulations. In addition, in accordance with the Office of Management and Budget's policy (68 FR 38402 (June 27, 2003)) regarding the need to identify entities that are receiving government awards, all applicants must submit a Dun and Bradstreet Data Universal Numbering System (DUNS) number. An applicant may request a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at (866) 705–5711.

In addition, in accordance with 2 CFR part 25, each entity that applies to the MAP and does not qualify for an exemption under 2 CFR 25.110 must:

(i) Provide a valid DUNS number in each application;

(ii) Be registered in the System for Award Management (SAM) prior to submitting an application; and

(iii) Continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration by CCC.

FAS may not make an award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements, and, if an applicant has not fully complied with the requirements by the time FAS is ready to make the award, FAS may determine that the applicant is not qualified to receive the award and use that determination as a basis for making an award to another applicant.

Similarly, in accordance with 2 CFR part 170, each entity that applies to MAP and does not qualify for an exception under 2 CFR 170.110(b) must ensure it has the necessary processes and systems in place to comply with the applicable reporting requirements of 2 CFR part 170 should it receive MAP funding.

Incomplete applications or applications that do not otherwise conform to this announcement and the MAP regulations will not be accepted for review.

3. Submission Dates and Times: All applications must be received by 5 p.m. Eastern Daylight Time, June 19, 2017. By the application deadline, all MAP applicants must also submit to FAS a signed certification statement as specified in 7 CFR 1485.13(a)(2)(i)(E). The completed certification statements can be sent via courier/delivery service to the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture, Room 6512, 1400 Independence Ave. SW., Washington, DC 20250. Applicants can also email a scanned copy of the signed certification statement to: *uesadmin@fas.usda.gov.* Applications or certifications received after the deadline will not be considered.

4. Funding Restrictions: Certain types of expenses are not eligible for

reimbursement by the program, and there are limits on other categories of expenses. CCC also will not reimburse unreasonable expenditures or expenditures made prior to approval. Full details are available in the MAP regulations in § 1485.17.

E. Application Review Information

1. Criteria and Review Process: A description of the FAS process for reviewing applications and the criteria for allocating available MAP funds is as follows:

(1) Phase 1—Sufficiency Review and FAS Divisional Review

Applications received by the closing date will be reviewed by FAS to determine the eligibility of the applicants and the completeness of the applications. These requirements appear in §§ 1485.12 and 1485.13 of the MAP regulations. Applications that meet the requirements will then be further evaluated by the appropriate Commodity Branch office of FAS' Cooperator Programs Division. The Commodity Branches will review each application against the criteria listed in § 1485.14(b) and (c) of the MAP regulations as well as in this Notice. The purpose of this review is to identify meritorious proposals and to recommend an appropriate funding level for each application based upon these criteria.

(2) Phase 2—Competitive Review

Meritorious applications then will be passed on to the Office of the Deputy Administrator, Office of Trade Programs, for the purpose of allocating available funds among the applicants. Applicants will compete for funds on the basis of the following allocation criteria as applicable (the number in parentheses represents the percentage weight factor):

(a) Applicant's Contribution Level (40): The applicant's 4-year average share (2015–2018) of all contributions under the MAP compared to the applicant's 4-year average share (2015–2018) of the funding level for all MAP Participants.

(b) Past U.S. Export Performance (30): The 3-year average share (2014–2016) of the value of U.S. exports promoted by the applicant compared to the applicant's 2-year average share (2016–2017) of the funding level for all MAP Participants plus, for those groups participating in the Cooperator program, the 2-year average share (2016–2017) of all Cooperator program budgets.

(c) Projected U.S. Export Goals (15): The total dollar value of projected U.S. exports of the commodities being promoted by the applicant for the year 2018 compared to the applicant's requested funding level.

(d) Accuracy of Past U.S. Export Projections (15): The actual dollar value share of U.S. exports of the commodities being promoted by the applicant for the year 2016 as reported in the 2018 MAP application compared to the projection of U.S. exports for 2016 as specified in the 2016 MAP application.

The Commodity Branches' recommended funding levels for each applicant are adjusted by each weight factor as described above to determine the amount of funds allocated to each applicant.

In addition, FAS, prior to making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold, is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS) (see 41 U.S.C. 2313). An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. FAS will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR 200.205 ''Federal awarding agency review of risk posed by applicants.''

2. Anticipated Announcement Date: Announcements of funding decisions for the MAP are anticipated during October 2017.

F. Award Administration Information

1. Award Notices: FAS will notify each applicant in writing of the final disposition of its application. FAS will send an approval letter and program agreement to each approved applicant. The approval letter and program agreement will specify the terms and conditions applicable to the project, including the levels of MAP funding and cost-share contribution requirements.

2. Administrative and National Policy Requirements: Interested parties should review the MAP regulations, which are available at the following URL address: *http://www.fas.usda.gov/programs/market-access-program-map.*

3. Reporting: FAS requires various reports and evaluations from MAP Participants. Reporting requirements are detailed in §§ 1485.22 and 1485.23 of the MAP regulations.

G. Agency Contact(s)

For additional information and assistance, contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture *by courier:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: uesadmin@fas.usda.gov.*

Signed at Washington, DC, on the 12th of May, 2017.

Holly Higgins,

Acting Administrator, Foreign Agricultural Service, and Acting Vice President, Commodity Credit Corporation.

[FR Doc. 2017–10107 Filed 5–18–17; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection: Proposed Collection; Comments Request Study of Third Party Processor Services, Fees, and Business Practices

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: The U.S. Department of Agriculture (USDA) invites public comment on a proposed collection of information that the USDA is developing for submission to the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995. The goal of the study is to understand the business practices of Third Party Processors (TPPs) and independent sales organizations (ISOs) that provide Electronic Benefit Transfer (EBT) processing services and equipment to authorized retailers participating in the Supplemental Nutrition Assistance Program (SNAP).

DATES: Comments regarding this proposed information collection must be received on or before July 18, 2017.

ADDRESSES: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate

of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Written comments may be sent to Rosemarie Downer, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 1014, Alexandria, VA 22302. Comments may also be submitted via email to Rosemarie Downer at *rosemarie.downer@fns.usda.gov* or by fax to the attention of Rosemarie Downer at (703) 305–2576. Alternatively, comments will be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov* and follow the online instructions for submitting comments electronically.

All written comments will be open for public inspection at the Office of Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at 3101 Park Center Drive, Room 1014, Alexandria, Virginia 22302.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of information collection instruments and instructions should be directed to Rosemarie Downer at (703) 305–2129 or *rosemarie.downer@fns.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Study of Third Party Processor Services, Fees, and Business Practices.

OMB Number: 0584—NEW.

Expiration Date: Not yet determined.

Type of Request: New collection.

Abstract: This study seeks to understand the business practices of TPPs and ISOs that provide EBT processing services and equipment to SNAP retailers to (1) assess retailers' satisfaction with EBT products and services needed to participate in the SNAP program; and (2) develop a set of best practices to inform FNS's guidance for retailers on what to consider when selecting, contracting with, and working with EBT vendors (TPPs and ISOs). The study results will also provide FNS with the information needed to inform future FNS policies regarding requirements for vendors providing EBT equipment and services to authorized retailers and TPP services-related guidance for retailers.

The study relies on two data sources: (1) A survey of SNAP retailers regarding their business relations with EBT vendors as well as satisfaction with the equipment and services acquired, and (2) interviews with TPPs and ISOs about their business practices with SNAP retailers, products and services, including costs and recommendations for retailers seeking to acquire EBT products and services.

SNAP Retailer Satisfaction Survey: The survey will use a nationally representative sample of SNAP retailers, stratified by retail sales levels and urban/rural locations. The survey sample will include non-exempt retailers [1] that must pay 100% of the cost for EBT equipment and services. The retailer survey sample will exclude retailers that operate in Guam, Puerto Rico, and the U.S. Virgin Islands.

An invitation to participate in the national survey will be mailed to sampled retailers. The target audience for this survey will be store managers or operations managers. Participants will have the option to respond either online or through an interactive voice response system. Participants who do not start the survey after 10 business days, will receive a mail reminder. The study will follow up with non-respondents via telephone 10 business days after the reminder mail drop. Telephone follow-ups will include five attempts to each number in the sample at different times of the day and days of the week.

TPP and ISO Telephone Interviews: Telephone interviews with TPPs and ISOs will follow a telephone interview protocol. Participants will receive an interview guide and an invitation letter describing the purpose of the study and how the data will be used. As the number and identity of TPPs and ISOs is not known, the study will use a snowball sampling approach to identify interviewees. Snowball sampling operates as a participant recruitment method in which research participants are asked to assist in identifying other potential respondents. Preliminary research estimates that there are 5 to 10 TPPs and 50 to 55 ISOs supporting the EBT market.

Affected Public: The study will include three respondent groups: Non-exempt SNAP retailers, TPPs and ISOs in the EBT products and services market.

Estimated number of respondents: 1,500 SNAP retailers and up to 55 TPPs and ISOs.

Estimated Frequency of Response per Respondent: This is a one-time data collection for each respondent.

Estimated Time per Response: The completed SNAP Retailer Survey response burden is estimated at 15 minutes per respondent. Each TPP or ISO interview is estimated to take a total of 1 hour and 30 minutes.

Estimated Total Annual Burden on Respondents: The total public reporting burden for this collection of information is estimated at 415 hours and approximately 1,565 responses. Table 1 below details the estimated burden for each type of respondent.

[1] Retailers that are not exempt from the 2014 Farm Bill mandate and must pay 100% for EBT equipment and services includes Convenience Stores, Combination Grocery/Other, Super Store, Supermarket, Smaller Grocery Store, Medium Grocery Store, Large Grocery Store, Meat/Poultry Specialty, Bakery Specialty, Seafood Specialty, and Fruits/Vegetables Specialty. Retailers that are exempt from the 2014 Farm Bill mandate may continue to qualify for free EBT equipment and services until further notice.

Table 1: Estimated total annual burden by respondent type for the Study of TPP Services, Fees, and Business Practices.

Respondent Type & Activity					RESPONDENTS					NON-RESPONDENTS					Grand Total Burden Hours
Affected Public	Respondent Description	Type of Survey Instrument	Instrument	Sample Size	Estimated Number of Respondents	Number of Responses per Respondent (Annually)	Total Annual Responses	Average Burden per Response (Hours)	Subtotal Estimated Annual Burden (Hours)	Estimated Number of Non-Respondents	Number of Responses per Respondent (Annually)	Total Annual Responses	Average Burden per Response (Hours)	Subtotal Estimated Annual Burden (Hours)	Grand Total Burden Hours
SNAP Retailer Survey															
Business-for-Profit	SNAP Retailers (operation managers)	Online survey, IVR, or telephone interview	Survey instrument	1500	1200	1	1200	0.25	300	300	1	300	0.1	30	330
	Subtotal SNAP Retailers Survey			**1500**	**1200**	**1**	**1200**	**0.25**	**300**	**300**	**1**	**300**	**0.1**	**30**	**330**
	EBT Vendors (TPPs and ISOs) Interview														
	EBT Vendors (store managers)	In-Depth Telephone Interview	Interview Protocol	65	55	1	55	1.5	82.5	10	1	10	0.25	2.5	85
Subtotal EBT Vendors Interview				**65**	**55**	**1**	**55**	**1.5**	**82.5**	**10**	**1**	**10**	**0.25**	**2.5**	**85**
GRAND TOTAL				**1565**	**1255**	**---**	**1255**	**---**	**382.5**	**310**	**---**	**310**	**---**	**32.5**	**415**

Dated: April 24, 2017.

Jessica Shahin,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 2017–10112 Filed 5–18–17; 8:45 am]

BILLING CODE 3410–30–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Minnesota Advisory Committee To Review and Discuss Testimony Regarding Civil Rights and Policing Practices in Minnesota

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Minnesota Advisory Committee (Committee) will hold a meeting on Monday, June 05, 2017, at 12:00 p.m. CST for the purpose of reviewing and discussing public testimony regarding civil rights and policing practices in Minnesota.

DATES: The meeting will be held on Monday, June 05, 2017, at 12:00 p.m. CST.

ADDRESSES: Public call information: Dial: 888–339–3466, Conference ID: 9169652.

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

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–339–3466, conference ID: 9169652. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Minnesota Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=256*). Click on ''meeting details'' and then ''documents'' to download. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

Welcome and Roll Call
Discussion of Testimony: Civil Rights and Policing Practices in Minnesota
Public Comment
Future Plans and Actions
Adjournment

Dated: May 15, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–10114 Filed 5–18–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

United States Travel and Tourism Advisory Board: Meeting of the United States Travel and Tourism Advisory Board

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The United States Travel and Tourism Advisory Board (Board or TTAB) will hold a meeting on Monday, June 5, 2017. The Board advises the Secretary of Commerce on matters relating to the U.S. travel and tourism industry. The purpose of the meeting is for Board members to discuss and deliberate on recommendations being developed by the four TTAB Working Groups related to the importance of international travel and tourism to the United States. The final agenda will be posted on the Department of Commerce Web site for the Board at *http://trade.gov/ttab* at least one week in advance of the meeting.

DATES: Monday, June 5, 2017, 10:30 a.m.–12 p.m. EDT. The deadline for members of the public to register, including requests to make comments during the meeting and for auxiliary aids, or to submit written comments for dissemination prior to the meeting, is 5 p.m. EDT on Monday, May 29, 2017.

ADDRESSES: The meeting will be held in Washington, DC. The exact location will be provided by email to registrants.

Requests to register (including to speak or for auxiliary aids) and any written comments should be submitted to: National Travel and Tourism Office, U.S. Department of Commerce, 1401 Constitution Ave. NW., Room 10003, Washington, DC 20230 or by email to *TTAB@trade.gov.* Members of the public are encouraged to submit registration requests and written comments via email to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT: Brian Beall, the United States Travel and Tourism Advisory Board, National Travel and Tourism Office, U.S. Department of Commerce, 1401 Constitution Ave. NW., Room 10003, Washington, DC 20230; telephone: 202–482–5634; email: *TTAB@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Board advises the Secretary of Commerce on matters relating to the U.S. travel and tourism industry.

Public Participation: The meeting will be open to the public and will be accessible to people with disabilities. Any member of the public requesting to join the meeting is asked to register in advance by the deadline identified under the **DATES** caption. Requests for auxiliary aids must be submitted by the registration deadline. Last minute requests will be accepted, but may not be possible to fill. There will be fifteen (15) minutes allotted for oral comments from members of the public joining the meeting. To accommodate as many speakers as possible, the time for public comments may be limited to three (3) minutes per person. Members of the public wishing to reserve speaking time during the meeting must submit a

request at the time of registration, as well as the name and address of the proposed speaker. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to submit a written copy of their prepared remarks by 5 p.m. EDT on Monday, May 29, 2017, for inclusion in the meeting records and for circulation to the members of the Board.

In addition, any member of the public may submit pertinent written comments concerning the Board's affairs at any time before or after the meeting. Comments may be submitted to Brian Beall at the contact information indicated above. To be considered during the meeting, comments must be received no later than 5 p.m. EDT on Monday, May 29, 2017, to ensure transmission to the Board prior to the meeting. Comments received after that date and time will be distributed to the members but may not be considered during the meeting. Copies of Board meeting minutes will be available within 90 days of the meeting.

Dated: May 11, 2017.

Brian Beall,

Executive Secretary, United States Travel and Tourism Advisory Board.

[FR Doc. 2017–10232 Filed 5–18–17; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–810]

Welded ASTM A–312 Stainless Steel Pipe From the Republic of Korea: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2014–2015

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

SUMMARY: The final results of the administrative review of the antidumping duty (AD) order on Welded ASTM A–312 Stainless Steel Pipe from the Republic of Korea (Korea) do not differ from the *Preliminary Results.* The period of review (POR) is December 1, 2014, through November 30, 2015. The review covers SeAH Steel Corporation (SeAH) and LS Metal Co., Ltd. (LS Metal).

DATES: Effective May 19, 2017.

FOR FURTHER INFORMATION CONTACT: Lingjun Wang, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Ave. NW., Washington, DC 20230; telephone: (202) 482–2316.

SUPPLEMENTARY INFORMATION:

Background

On January 7, 2016, the Department of Commerce (Department) published in the **Federal Register** the *Preliminary Results.*[1] For a history of events that have occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[2] The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://trade.gov/login.aspx.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Scope of the Order

The merchandise subject to the antidumping duty order is welded austenitic stainless steel pipe that meets the standards and specifications set forth by the American Society for Testing and Materials (ASTM) for the welded form of chromium-nickel pipe designated ASTM A–312. The merchandise covered by the scope of the order also includes austenitic welded stainless steel pipes made according to the standards of other nations which are comparable to ASTM A–312.

Imports of welded ASTM A–312 stainless steel pipe are currently classifiable under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 7306.40.5005, 7306.40.5015, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085. Although these subheadings include both pipes and tubes, the scope of the antidumping duty order is limited to welded austenitic stainless steel pipes. The HTSUS subheadings are provided for convenience and customs purposes. However, the written description of the scope of the order is dispositive.[3]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of issues raised and to which we responded in the Issues and Decision Memorandum is attached to this notice as an Appendix.

Final Determination of No Shipments

The Department preliminarily found that LS Metal had no shipments and, therefore, no reviewable transactions during the POR. The Department received no further comments or information that refute this finding. Thus, the Department continues to find that LS Metal had no reviewable transactions during the POR.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results,* and for the reasons explained in the Issues and Decision Memorandum, we have made no change to SeAH's margin calculation.

Final Results of Review

As a result of our review, we determine the following weighted-average dumping margin exists for the period December 1, 2014, through November 30, 2015.

Producer or exporter	Weighted-average dumping margin
SeAH Steel Corporation	1.91

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.212(b)(1), the Department determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise, in accordance with the final results of this review.

The Department will instruct CBP to liquidate entries of merchandise produced and/or exported by the aforementioned companies, and intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review.

[1] *See Welded ASTM A–312 Stainless Steel Pipe from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2014–2015,* 81 FR 96435 (December 30, 2016) (*Preliminary Results*).

[2] *See* ''Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review: Welded ASTM A–312 Stainless Steel Pipe from the Republic of Korea; 2014–2015'' (Issues and Decision Memorandum), dated concurrently with and hereby adopted by this notice.

[3] *See* Issues and Decision Memorandum for a full description of the scope of order.

Where the respondent (*i.e.,* SeAH) reported the entered value for its sales, the Department calculates importer-specific *ad valorem* assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of those same sales.[4] However, where the respondent did not report the entered value for its sales, the Department calculates importer-specific per-unit duty assessment rates.

The Department's ''automatic assessment'' practice will apply to entries of subject merchandise during the POR produced by the respondent who did not know that the merchandise was destined for the United States (*i.e.,* LS Metal). In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[5]

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of Welded ASTM A–312 Stainless Steel Pipe from Korea entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the company under review will be equal to the weighted-average dumping margin established in the final results of this review (except, if the rate is *de minimis, i.e.,* less than 0.5 percent, then the cash deposit rate will be zero); (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation (LTFV), but the manufacturer is, the cash deposit rate will be the rate established in the completed segment for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any other completed segment of this proceeding, then the cash deposit rate will continue to be 7.00 percent, the ''all others'' rate made effective by the LTFV investigation.[6] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

Notifications to Interested Parties

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

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

Dated: May 15, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

Summary
Background
Scope of the Order
Discussion of the Issues
1. Model-Match Characteristics
2. Home Market Inland Freights
3. U.S. Indirect Selling Expenses
4. Differential Pricing Analysis

[FR Doc. 2017–10203 Filed 5–18–17; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See* 19 CFR 351.212(b).

[5] *See Antidumping And Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2013).

[6] *See Notice of Amended Final Determination and Antidumping Duty Order: Certain Welded Stainless Steel Pipe From the Republic of Korea,* 60 FR 10064 (February 23, 1995).

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Addition and Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Addition to and deletion from the Procurement List.

SUMMARY: This action adds a product to the Procurement List that will be furnished by the nonprofit agency employing persons who are blind or have other severe disabilities, and deletes a service from the Procurement List previously provided by such agency.

DATES: Effective June 18, 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: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Addition

On 4/14/2017 (82 FR 17978), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed addition to the Procurement List.

After consideration of the material presented to it concerning capability of a qualified nonprofit agency to provide the product and impact of the addition on the current or most recent contractors, the Committee has determined that the product listed below is suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organization that will furnish the product to the Government.
2. The action will result in authorizing a small entity to furnish the product to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product proposed for addition to the Procurement List.

End of Certification

Accordingly, the following product is added to the Procurement List:

Product

NSN(s)—Product Name(s): MR 10744—Container, Snack, Pigout, Includes Shipper 20744

Mandatory for: The requirements of military commissaries and exchanges in accordance with the Code of Federal Regulations 41 CFR 51–6.4.

Mandatory Source(s) of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC

Contracting Activity: Defense Commissary Agency

Distribution: C-List

Deletion

On 4/28/2017 (82 FR 19662–19663), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletion from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the service listed below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action may result in authorizing a small entity to provide the service to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the service deleted from the Procurement List.

End of Certification

Accordingly, the following service is deleted from the Procurement List:

Service

Service Type: Customization & Distribution of NRPM Service
Mandatory for: Department of the Navy, FISC Norfolk: Detachment 1322 Patterson Ave. SE., Washington Navy Yard, Washington, DC
Mandatory Source(s) of Supply: Industries for the Blind, Inc., West Allis, WI
Contracting Activity: Dept of Defense/ Department of the Navy

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017–10211 Filed 5–18–17; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete products and services from the Procurement List that were previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before June 18, 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: 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.

Deletions

The following products and services are proposed for deletion from the Procurement List:

Products

NSN(s)—Product Name(s): 5340–00–NSH–0008—Loop, Kevlar
5340–00–NSH–0009—Link, Quick Release
Mandatory Source(s) of Supply: Community Option Resource Enterprises, Inc. (COR Enterprises), Billings, MT
Contracting Activity: NAVSUP Weapon Systems Support

Services

Service Type: Custodial Service
Mandatory for: GSA, Parking Lot: 12th & C Streets SW., Washington, DC
Mandatory Source(s) of Supply: Anchor Mental Health Association, Washington, DC
Contracting Activity: Public Buildings Service, WPHBD—West Repair & Alterations Contracts Branch

Service Type: Janitorial/Custodial Service
Mandatory for: Federal Supply Service Depot: 4100 West 76th Street, Chicago, IL
Mandatory Source(s) of Supply: Lester and Rosalie ANIXTER CENTER, Chicago, IL
Contracting Activity: General Services Administration, FPDS Agency Coordinator

Service Type: Switchboard Operation Service
Mandatory for: Eglin Air Force Base: East of Memorial Trail (excluding the airfield), Eglin, FL
Mandatory Source(s) of Supply: Lakeview Center, Inc., Pensacola, FL
Contracting Activity: Dept of the Air Force, FA2823 AFTC PZIO

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017–10210 Filed 5–18–17; 8:45 am]

BILLING CODE 6353–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: Wednesday, May 24, 2017; 10:00 a.m.–11:00 a.m.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East-West Highway, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTER TO BE CONSIDERED: Compliance Matters: The Commission staff will brief the Commission on the status of various compliance matters.

CONTACT PERSON FOR MORE INFORMATION: Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: May 17, 2017.

Todd A. Stevenson,

Secretary.

[FR Doc. 2017–10338 Filed 5–17–17; 11:15 am]

BILLING CODE 6355–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review, Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted an amended public information collection request (ICR) entitled The Civic Engagement and Volunteering Supplement for review and approval in accordance with the Paperwork Reduction Act of 1995. The original public information collection request was published on May 11, 2017. It did not include the disposition of public comments received that is included in this amended Notice. Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Anthony Nerino, at 202–606–3913 or email to *anerino@cns.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

DATES: Comments may be submitted, identified by the title of the information collection activity, within June 19, 2017.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

(1) *By fax to:* 202–395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or

(2) *By email to: smar@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments

CNCS published a Notice in the **Federal Register** on February 8, 2017, FR Doc. 2017–02527—Vol. 82, No. 25, pp. 9726–9727, inviting public comment on our plans to submit this request. We received six requests for additional information and sixteen comments in response to the Notice. All letters and comments are listed in the attached doc. In summary, of the sixteen comments, 14 raised concerns regarding proposed changes to the volunteer questions. Many of the comments were from volunteer commissions and organizations that represent multiple users.

Primarily the respondents objected to a reduction in the number of questions regarding volunteer activity (organization types, activity types). Four respondents commented on the reduced capacity to track longitudinal rates and possible changes in the volunteer rate over the previous 14 year period. Fifteen respondents indicated that the previous instrument should be re-instated.

In considering these comments CNCS offers the following response. The re-designed supplement is intended to focus on the broader concept of civic engagement, of which volunteerism is one component. The re-designed supplement incorporates many of the recommendations made by the National Academy of Sciences, as well as recommendations made by experts in the field of civic engagement, social capital and volunteering. The Civic Engagement and Volunteering supplement more accurately reflects the mission of the CNCS, building stronger communities and promoting active citizenship through service. The proposed instrument does include some measures that will allow for limited continuity with the previous supplement, however the advantage of a combined supplement is that it will allow the user to assess overall civic activity conditioned by volunteering.

However in response to the comments requesting greater continuity and because the time burden on the new supplement is shorter, CNCS is adding back some original questions regarding volunteer activity and organizations.

Description: This information collection will be used to generate civic health reports at the National, State, and Metropolitan Statistical Area (MSA) levels and to disseminate these data to various stakeholders including state and local government offices, researchers, students and civic groups for strategic planning, grant writing purposes and research.

Type of Review: New.

Agency: Corporation for National and Community Service.

Title: Civic Engagement and Volunteering Supplement.

OMB Number: TBD.

Agency Number: None.

Affected Public: U.S. Residents 16 years of age and older.

Total Respondents: Approximately U.S. 90,000 residents.

Frequency: Bi-annually.

Average Time per Response: 5.26 Minutes.

Estimated Total Burden Hours: 7,890 Hours

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Dated: May 16, 2017.

Mary Hyde,

Director, Office of Evaluation and Research.

[FR Doc. 2017–10237 Filed 5–18–17; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0069]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application Forms and Instructions for the National Resource Centers (NRC) Program and the Foreign Language and Area Studies (FLAS) Fellowship Program

AGENCY: Office of Postsecondary Education (OPE) Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before June 19, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0069. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 224–84, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Cheryl Gibbs, 202–453–5690.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is

soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Application Forms and Instructions for the National Resource Centers (NRC) Program and the Foreign Language and Area Studies (FLAS) Fellowship Program.

OMB Control Number: 1840–0807.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 165.

Total Estimated Number of Annual Burden Hours: 17,325.

Abstract: This information collection (OMB 1840–0807) includes application instructions and forms for the National Resource Centers (NRC) Program (CFDA Number 84.015A) and the Foreign Language and Area Studies (FLAS) Fellowships Program (CFDA Number 84.015B), authorized under Title VI of the Higher Education Act of 1965, as amended (20 U.S.C. Section 1122). The type of collection is an extension of a previously-approved information collection (application).

The NRC Program provides grants to institutions of higher education (IHE) or consortia of IHEs to establish, strengthen, and operate comprehensive and undergraduate foreign language and area or international studies centers. These centers serve as centers of excellence for world language training and teaching, research, and instruction in fields needed to provide full understanding of areas, regions, or countries where the languages are commonly used.

The FLAS Fellowship Program awards allocations of fellowships, through institutions of higher education, to meritorious students enrolled in programs that offer performance-based instruction in world languages in combination with area studies, international studies, or the international aspects of professional studies.

Together, these programs respond to the ongoing national need for individuals with expertise and competence in world languages and area or international studies; advance national security by developing a pipeline of highly proficient linguists and experts in critical world regions; and contribute to developing a globally competent workforce able to engage with a multilingual/multicultural clientele at home and abroad.

Approval of this collection is necessary in order to conduct fiscal year (FY) 18 program competitions.

Dated: May 16, 2017

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–10192 Filed 5–18–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0014]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Financial Status and Program Performance Final Report for State and Partnership for the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before June 19, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0014. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 224–84, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Karmon Simms-Coates, 202–453–7917.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Financial Status and Program Performance Final Report for State and Partnership for the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP).

OMB Control Number: 1840–0782.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 134.

Total Estimated Number of Annual Burden Hours: 6,030.

Abstract: The purpose of this information collection is to determine whether recipients of Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) have made substantial progress towards meeting the objectives of their respective projects, as outlined in their

grant applications and/or subsequent work plans. In addition, the final report will enable the Department to evaluate each grant project's fiscal operations for the entire grant performance period, and compare total expenditures relative to federal funds awarded, and actual cost-share/matching relative to the total amount in the approved grant application. This report is a means for grantees to share the overall experience of their projects and document achievements and concerns, and describe effects of their projects on participants being served; project barriers and major accomplishments; and evidence of sustainability. The report will be GEAR UP's primary method to collect/analyze data on students' high school graduation and immediate college enrollment rates.

Dated: May 16, 2017.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–10190 Filed 5–18–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Technical Assistance and Dissemination To Improve Services and Results for Children With Disabilities—Model Demonstration Projects To Improve Algebraic Reasoning for Students With Disabilities in Middle and High School

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for a new award for fiscal year (FY) 2017 for Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities—Model Demonstration Projects to Improve Algebraic Reasoning for Students with Disabilities in Middle and High School.

Catalog of Federal Domestic Assistance (CFDA) number 84.326M.✖

DATES:

Applications Available: May 19, 2017.

Deadline for Transmittal of Applications: July 3, 2017.

Deadline for Intergovernmental Review: September 1, 2017.

FOR FURTHER INFORMATION CONTACT: Paula Maccini, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, Potomac Center Plaza, Washington, DC 20202–5108. Telephone: (202) 245–8012.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program is to promote academic achievement and to improve results for children with disabilities by providing technical assistance (TA), supporting model demonstration projects, disseminating useful information, and implementing activities that are supported by scientifically based research.

Priorities: This competition has one absolute priority. In accordance with 34 CFR 75.105(b)(2)(v), the absolute priority is from allowable activities specified in the statute or otherwise authorized in the statute (see sections 663 and 681(d) of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1463, 1481(d)).

Absolute Priority: For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Model Demonstration Projects To Improve Algebraic Reasoning for Students With Disabilities in Middle and High School.

Background

Model demonstrations to improve early intervention, educational, or transitional results for students with disabilities have been authorized under the Individuals with Disabilities Education Act (IDEA) since the mid-1970s. For the purposes of this priority, a model is a set of existing interventions supported by evidence and implementation strategies (*i.e.,* core model components) that research suggests will improve child, teacher, or system outcomes when implemented with fidelity (Hughes, Powell, Lembke, & Riley-Tillman, 2016). Model demonstrations involve investigating the degree to which a model can be implemented, and sustained in typical settings, by staff employed in those settings, while achieving outcomes similar to those attained under research conditions.

The purpose of this priority is to fund three cooperative agreements to establish and operate model demonstration projects that will assess how models can: (a) improve algebraic reasoning for students with disabilities in middle and high schools; and (b) be implemented and sustained by educators in general and special education settings. These proposed models will be the first to focus on mathematics for adolescents with disabilities, a critical area of need.

Algebraic reasoning (as defined in this notice) is a critical component of success in mathematics and is applied to topics within number operations, number systems, measurement and data, geometry, rational numbers, ratios and proportional relationships, expressions and equations, and functions (Van De Walle, Karp, & Bay-Williams, 2013). Algebra is a gateway to advanced coursework, graduation, and future earnings (National Mathematics Advisory Panel (NMAP), 2008); therefore, it is imperative to address the achievement gap in mathematics that exists between students with disabilities (SWD) and students without disabilities.

The most recent National Assessment of Educational Progress report (NAEP; 2015) indicates that more than 70 percent of 8th grade SWD, excluding those with a 504 plan, performed below the basic level on the mathematics assessment compared to 24 percent of students without disabilities (U.S. Department of Education, 2015). For 12th graders, the disparity is greater, as 81 percent of SWD scored below basic level on the math assessment compared with 34 percent of students without disabilities (U.S. Department of Education, 2015).

The average algebra scaled score for 8th graders with disabilities was 247 in a range of 0–500 points, compared to 293 for 8th graders without disabilities. For 12th graders with disabilities, the average scaled score was 117 in a range of 0–300 points, compared to 157 for 12th graders without disabilities. The discrepancies in algebra scores between SWD and those without disabilities in both 8th and 12th grade are statistically significant (NAEP; 2015).

There is a need to focus on meeting the specific needs of SWD in algebra (Witzel, 2016; Hughes, Witzel, Riccomini, Fries, & Kanyongo, 2014). Certain learner characteristics of SWD may impede their performance in algebra (Allsopp, van Igen, Simsek, & Haley, 2016). Difficulties SWD experience in algebra include understanding algebraic representations,

which may be due to difficulties with cognitive processing; recalling multi-step procedures because of memory difficulties; and problem solving strategies due to metacognitive difficulties. These difficulties may cumulatively affect students in algebra and their subsequent performance in mathematics (Allsopp *et al.*, 2016).

Students with mathematical learning disabilities (MLD) [1] comprise about seven percent of school-age learners (Geary, 2011). Students with MLD may exhibit difficulties with language-based tasks and struggle to conceptualize abstract algebraic concepts and solve problems involving algebraic reasoning. To address these difficulties, and to ensure that students with MLD receive appropriate services and supports as guaranteed in IDEA, educators must be trained in using practices supported by evidence in teaching mathematics and algebraic reasoning. This competition aims to fund model demonstration projects that will investigate ways to train educators to successfully implement these practices. These three proposed model demonstration projects must be based on current research and make use of practices supported by evidence.[2]

Priority

The purpose of this priority is to fund three cooperative agreements to establish and operate model demonstration projects that will assess how models can: (a) Improve algebraic reasoning for SWD in middle and high schools and (b) be implemented and sustained by educators in general and special education settings. Applicants must propose models that meet the following requirements:

(a) The model's core intervention components (*e.g.,* services, assessments, processes, data collection instruments) must include:

(1) A framework that includes, at a minimum, universal screening, progress monitoring, and core instructional practices supported by evidence and based on current research;

(2) Core instructional practices for improving algebraic reasoning supported by evidence and based on current research that meet the needs of students with disabilities in middle and high school;

(3) Standardized measures of students' algebraic reasoning, individual instructor (*e.g.,* teacher, paraprofessional, specialist), and system-level outcomes, when appropriate;

(4) Procedures to refine the model based on the ongoing assessment of students' performance on algebraic reasoning; and

(5) Measures of the model's social validity, *i.e.,* measures of educators', parents', and students' [3] satisfaction with the model components, processes, and outcomes.

(b) The model's core implementation components must include:

(1) Criteria and strategies for selecting [4] and recruiting sites, including approaches to introducing the model to, and promoting the model among, site participants,[5] with consideration given to the following criteria:

(i) Each project must include at least three middle or at least three high schools.

(ii) In each of the schools, all of the identified SWD in middle and high school participating in the model demonstration projects must have math goals on their Individualized Education Programs (IEPs) and can be classified under any of the IDEA disability categories.

(2) A lag site implementation design, which allows for model development and refinement at the first site in year one of the project period, with sites two and three implementing a revised model based on data from the first site beginning in year two;

(3) A professional development component that includes a coaching strategy supported by evidence to enable staff (*e.g.,* teacher, paraprofessional, specialist) to implement the interventions with fidelity; and

(4) Measures of the results of the professional development (*e.g.,* improvements in teachers'/service providers' instructional delivery and knowledge) required by paragraph (b)(3) of this section, including measures of the fidelity of implementation.

(c) The core strategies for sustaining the model must include:

(1) Documentation that permits current and future practitioners to replicate and tailor the model at other sites; [6] and

(2) A dissemination plan that includes strategies and measurable goals for the grantee to disseminate or sustain the model, such as developing easily accessible training materials or coordinating with TA providers who might serve as future trainers.

To be considered for funding under this absolute priority, applicants must meet the application requirements contained in this priority. Each project funded under this absolute priority also must meet the programmatic and administrative requirements specified in the priority.

Application Requirements

An applicant must include in its application—

(a) A detailed review of the literature indicating that the proposed model is supported by evidence meeting at least the conditions set out in the definition of strong theory (as defined in this notice) and that supports the promise of the proposed model, its components, and processes to improve algebraic reasoning for SWD in middle and high school;

(b) A logic model that depicts, at a minimum, the goals, activities, outputs, and outcomes of the proposed model demonstration project. A logic model used in connection with this priority communicates how a project will achieve its outcomes and provides a framework for both the formative and summative evaluations of the project;

[1] Participants must have math goals on their Individualized Education Programs (IEPs) and can be classified under any of the IDEA disability categories.

[2] The What Works Clearinghouse (WWC) identifies a number of practices supported by evidence in the following two practice guides: *Assisting Students Struggling with Mathematics: Response to Intervention (RtI) for Elementary and Middle Schools* (Gersten et al., 2009); and *Teaching Strategies for Improving Algebra Knowledge in Middle and High School* (Star et al., 2015). Each practice guide was developed by a panel of researchers and practitioners with expertise in various dimensions of math and special education. We mention the guides for information only; use of the practices contained in them is permitted, but not required, in this competition.

[3] Applicants must ensure the confidentiality of individual data, consistent with the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the ''Family Educational Rights and Privacy Act'' (FERPA), and State laws or regulations concerning the confidentiality of individual records. Final FERPA regulatory changes became effective January 3, 2012, and include requirements for data sharing. Applicants are encouraged to review the final FERPA regulations published on December 2, 2011 (76 FR 75604). Questions can be sent to the Family Policy Compliance Office (*www.ed.gov/fpco*) at (202) 260–3887 or *FERPA@ed.gov.*

[4] For factors to consider when selecting model demonstration sites, the applicant should refer to *Assessing Sites for Model Demonstration: Lessons Learned for OSEP Grantees* at *http://mdcc.sri.com/documents/MDCC_Site_Assessment_Brief_09-30-11.pdf.* The document also contains a site assessment tool.

[5] For factors to consider while preparing for model demonstration implementation, the applicant should refer to *Preparing for Model Demonstration Implementation* at *http://mdcc.sri.com/documents/MDCC_PreparationStage_Brief_Apr2013.pdf.*

[6] For a guide on documenting model demonstration sustainment and replication, the applicant should refer to *Planning for Replication and Dissemination From the Start: Guidelines for Model Demonstration Projects* at *http://mdcc.sri.com/documents/MDCC_ReplicationBrief_SEP2013.pdf.*

(c) Include, in Appendix A, a logic model, a conceptual framework for the project, and person-loading charts and timelines, as applicable, to illustrate the management plan described in the narrative.

Note: The following Web sites provide examples for constructing logic models: *www.osepideasthatwork.org/resources-grantees/program-areas/ta-ta/tad-project-logic-model-and-conceptual-framework* and *www.osepideasthatwork.org/logicModel.*

(d) A description of the activities and measures to be incorporated into the proposed model demonstration project to improve algebraic reasoning for SWD, including a timeline of how and when the components are introduced within the model. A detailed and complete description must include the following:

(1) All the intervention components, including, at a minimum, those components listed in paragraph (a) under the heading *Priority.*

(2) The existing and proposed child, teacher, and system outcome measures and social validity measures. The measures should be described as completely as possible, referenced as appropriate, and included, when available, in Appendix A.

(3) All the implementation components, including, at a minimum, those listed in paragraph (b) under the heading *Priority.* The existing or proposed implementation fidelity measures, including those measuring the fidelity of the professional development strategy, should be described as completely as possible, referenced as appropriate, and included, when available, in Appendix A. In addition, this description should include:

(i) Demographics, including, at a minimum, ethnicity, gender, grade level, and age for all SWD at all implementation sites that have been identified and successfully recruited for the purposes of this application using the selection and recruitment strategies described in paragraph (b)(1) under the heading *Priority;*

(ii) Whether the implementation sites are high-need,[7] high-poverty,[8] low-performing,[9] rural, urban, or suburban local education agencies (LEAs) or schools; and

Note: Applicants are encouraged to identify, to the extent possible, the sites willing to participate in the applicant's model demonstration. Final site selection will be determined in consultation with the Office of Special Education Programs (OSEP) project officer following the kick-off meeting described in paragraph (e)(1) of these application requirements.

(iii) The lag design for implementation consistent with the requirements in paragraph (b)(2) under the heading *Priority.*

(4) All the strategies to promote sustaining and replicating the model, including, at a minimum, those listed in paragraph (c) under the heading *Priority.*

(e) A description of the evaluation activities and measures to be incorporated into the proposed model demonstration project. A detailed and complete description must include:

(1) A formative evaluation plan, consistent with the project's logic model, that includes evaluation questions, source(s) of data, a timeline for data collection, and analysis plans. The plan must show how the outcome (*e.g.,* child measures, social validity) and implementation data (*e.g.,* fidelity) will be used separately or in combination to improve the project during the performance period. The plan also must outline how these data will be reviewed by project staff, when they will be reviewed, and how they will be used during the course of the project to adjust the model or its implementation to increase the model's usefulness, generalizability, and potential for sustainability; and

(2) A summative evaluation plan, including a timeline, to collect and analyze data on changes to child, teacher, and systems outcome measures over time or relative to comparison groups that can be reasonably attributable to project activities. The plan must show how the child or system outcome and implementation data collected by the project will be used separately or in combination to demonstrate the promise of the model.

(f) A budget for attendance at the following:

(1) A one and one half-day kick-off meeting to be held in Washington, DC, after receipt of the award;

(2) A three-day Project Directors' Conference in Washington, DC, occurring each year during the project performance period; and

(3) Four travel days spread across years two through four of the project period to attend planning meetings, Department briefings, Department-sponsored conferences, and other meetings, as requested by OSEP, to be held in Washington, DC, with the OSEP project officer.

Other Project Activities

To meet the requirements of this priority, each project, at a minimum, must:

(a) Communicate and collaborate on an ongoing basis with other relevant Department-funded projects, including, at minimum, OSEP-funded TA centers (see *www.osepideasthatwork.org/find-center-or-grant/find-a-center*) that might disseminate information on the model or support the scale-up efforts of a promising model;

(b) Maintain ongoing telephone and email communication with the OSEP project officer and the other model demonstration projects funded under this priority; and

(c) If the project maintains a Web site, include relevant information about the model, the intervention, and the demonstration activities that meets government- or industry-recognized standards for accessibility.

Competitive Preference Priority

Within this absolute priority, we give competitive preference to applications that address the following priority. Under 34 CFR 75.105(c)(2)(i), we award an additional two points to an application that meets this priority.

The priority is:

Evidence of Promise Supporting the Proposed Model (Two Points).

Projects that are supported by evidence that meets the conditions set out in the definition of ''evidence of promise'' (as defined in this notice). The proposed project must include:

A literature review, as required under paragraph (a) under the heading *Application Requirements,* that includes research that meets at least the evidence of promise standard supporting the promise of the proposed model, its components, and processes to improve algebraic reasoning in middle and high schools.

Note: An applicant addressing this competitive preference priority must identify up to two study citations that meet this standard and clearly mark them in the reference list of the proposal.

[7] For the purposes of this priority, the term ''high-need school'' refers to a public elementary or secondary school that is a ''high-poverty'' or ''low-performing'' school as defined in footnotes 8 and 9, respectively.

[8] For the purposes of this priority, the term ''high-poverty school'' means a school that is in the highest two quartiles of schools served by a local educational agency, based on the percentage of enrolled students from low-income families as defined in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965, as amended (ESEA).

[9] For the purpose of this priority, the term ''low-performing school'' means a school receiving assistance through Title I of the ESEA that, at the time of submission of an application under this competition, is (1) identified as a school in need of corrective action or restructuring under section 1116 of the ESEA, as amended by the No Child Left Behind Act of 2001 (NCLB); or (2) identified as a priority or focus school in a State that implemented ESEA flexibility. The inclusion of these schools as ''low-performing schools'' reflects the fact that the 2016 – 2017 school year is a year of transition between requirements of the ESEA as amended by NCLB and the ESEA as amended by the Every Student Succeeds Act.

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Definitions

The following definitions apply to the priority:

Algebraic reasoning means ''forming generalizations from experiences with number and computation, formalizing these ideas with the use of a meaningful symbol system, and exploring the concepts of pattern and function'' (Van De Walle, Karp, & Bay-Williams, 2013, p. 258).

The definitions of the following terms are from 34 CFR 77.1: ''evidence of promise,'' ''logic model,'' ''quasi-experimental design study,'' ''randomized controlled trial'', ''relevant outcome,'' ''strong theory,'' and ''What Works Clearinghouse evidence standards.''

Evidence of promise means there is empirical research to support the theoretical linkage(s) between at least one critical component and at least one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice. Specifically, evidence of promise means the conditions in both paragraphs (i) and (ii) of this definition are met:

(i) There is at least one study that is a—

(A) Correlational study with statistical controls for selection bias;

(B) Quasi-experimental design study that meets the What Works Clearinghouse Evidence Standards with reservations; or

(C) Randomized controlled trial that meets the What Works Clearinghouse Evidence Standards with or without reservations.

(ii) The study referenced in paragraph (i) of this definition found a statistically significant or substantively important (defined as a difference of 0.25 standard deviations or larger) favorable association between at least one critical component and one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice.

Logic model (also referred to as theory of action) means a well-specified conceptual framework that identifies key components of the proposed process, product, strategy, or practice (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the relationships among the key components and outcomes, theoretically and operationally.

Mathematical literacy refers to, ''an individual's capacity to formulate, employ, and interpret mathematics in a variety of contexts. It includes reasoning mathematically and using mathematical concepts, procedures, facts and tools to describe, explain and predict phenomena. It assists individuals to recognize the role that mathematics plays in the world and to make the well-founded judgments and decisions needed by constructive, engaged and reflective citizens'' (Organization for Economic Cooperation and Development, 2013, p. 25).

Quasi-experimental design study means a study using a design that attempts to approximate an experimental design by identifying a comparison group that is similar to the treatment group in important respects. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards with reservations (but not What Works Clearinghouse Evidence Standards without reservations).

Randomized controlled trial means a study that employs random assignment of, for example, students, teachers, classrooms, schools, or districts to receive the intervention being evaluated (the treatment group) or not to receive the intervention (the control group). The estimated effectiveness of the intervention is the difference between the average outcomes for the treatment group and for the control group. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards without reservations.

Relevant outcome means the student outcome(s) (or the ultimate outcome if not related to students) the proposed process, product, strategy, or practice is designed to improve; consistent with the specific goals of a program.

Strong theory means a rationale for the proposed process, product, strategy, or practice that includes a logic model.

What Works Clearinghouse Evidence Standards means the standards set forth in the What Works Clearinghouse Procedures and Standards Handbook (Version 3.0, March 2014), which can be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities and other requirements. Section 681(d) of IDEA, however, makes the public comment requirements of the APA inapplicable to the absolute priority and related definitions in this notice.

Program Authority: 20 U.S.C. 1463 and 1481.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Cooperative agreements.

Estimated Available Funds: The Further Continuing and Security Assistance Appropriations Act, 2017, would provide $54,345,000 for the Technical Assistance and Dissemination To Improve Services and Results for Children With Disabilities program for FY 2017, of which we intend to use an estimated $1,200,000 for this competition (per year divided between the three new projects). The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2018 from the list of unfunded applications from this competition.

Estimated Range of Awards: $375,000 to $400,000 per year.

Estimated Average Size of Awards: $400,000 per year.

Maximum Award: We will reject any application that proposes a budget exceeding $400,000 for a single budget period of 12 months.

Estimated Number of Awards: 3.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months.

Evaluation Period: In August 2013, the Department amended the Education Department General Administrative Regulations (EDGAR) to authorize the awarding of an evaluation period after the end of the approved project period. Under 34 CFR 75.250(b) the Secretary has the authority to make data collection/analysis awards. By the terms of that section, the awards can only go to current grantees, may only be used for data collection, analysis and reporting and do not have to go through a formal competitive process.

III. Eligibility Information

1. *Eligible Applicants:* State educational agencies (SEAs); LEAs, including public charter schools that are considered LEAs under State law; IHEs; other public agencies; private nonprofit organizations; outlying areas; freely associated States; Indian Tribes or Tribal organizations; and for-profit organizations.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Eligible Subgrantees:* (a) Under 34 CFR 75.708(b) and (c) a grantee may award subgrants—to directly carry out project activities described in its application—to the following types of entities: IHEs and private nonprofit organizations suitable to carry out the activities proposed in the application.

(b) The grantee may award subgrants to entities it has identified in an approved application.

4. *Other General Requirements:*

(a) Recipients of funding under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Each applicant for, and recipient of, funding must, with respect to the aspects of their proposed project relating to the absolute priority, involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the internet or from the Education Publications Center (ED Pubs). To obtain a copy via the internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.* To obtain a copy from ED Pubs, write, fax, or call: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a TDD or a TTY, call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application package from ED Pubs, be sure to identify this competition as follows: CFDA number 84.326M.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content and form of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you—(1) limit Part III to no more than 50 pages, and (2) use the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.
- Use a font that is 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the recommended page limit does apply to all of Part III, the application narrative, including all text in charts, tables, figures, graphs, and screen shots.

3. *Submission Dates and Times:*

Applications Available: May 19, 2017.

Deadline for Transmittal of Applications: July 3, 2017.

Applications for grants under this competition must be submitted electronically using the *Grants.gov* Apply site (*Grants.gov*). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to *Other Submission Requirements* in section IV of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT**. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other

requirements and limitations in this notice.

Deadline for Intergovernmental Review: September 1, 2017.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following Web site: *http://fedgov.dnb.com/webform.* A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, it may be 24 to 48 hours before you can access the information in, and submit an application through, *Grants.gov*.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a *SAM.gov* Tip Sheet, which you can find at: *www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via *Grants.gov*, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with *Grants.gov* as an AOR. Details on these steps are outlined at the following *Grants.gov* Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Model Demonstration Projects to Improve Algebraic Reasoning for Students with Disabilities in Middle and High School competition, CFDA number 84.326M, must be submitted electronically using the Governmentwide *Grants.gov* Apply site at *www.Grants.gov*. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Model Demonstration Projects to Improve Algebraic Reasoning for Students with Disabilities in Middle and High School competition at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.326, not 84.326M).

Please note the following:

- When you enter the *Grants.gov* site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the *Grants.gov* system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the *Grants.gov* system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from *Grants.gov*, we will notify you if we are rejecting your application because it was date and time stamped by the *Grants.gov* system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through *Grants.gov*.
- You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for this competition to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* under News and Events on the Department's G5 system home page at *www.G5.gov.* In addition, for specific guidance and procedures for submitting an application through *Grants.gov*, please refer to the *Grants.gov* Web site at: *www.grants.gov/web/grants/applicants/apply-for-grants.html.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

• You must upload any narrative sections and all other attachments to your application as files in a read-only Portable Document Format (PDF). Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only PDF (*e.g.,* Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will not review that material. Please note that this could result in your application not being considered for funding because the material in question—for example, the application narrative—is critical to a meaningful review of your proposal. For that reason it is important to allow yourself adequate time to upload all material as PDF files. The Department will not convert material from other formats to PDF. Additional, detailed information on how to attach files is in the application instructions.

• After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. This notification indicates receipt by *Grants.gov* only, not receipt by the Department. *Grants.gov* will also notify you automatically by email if your application met all the *Grants.gov* validation requirements or if there were any errors (such as submission of your application by someone other than a registered Authorized Organization Representative, or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by *Grants.gov*, the Department will retrieve your application from *Grants.gov* and send you an email with a unique PR/Award number for your application.

These emails do not mean that your application is without any disqualifying errors. While your application may have been successfully validated by *Grants.gov*, it must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to upload attachments in a read-only PDF; failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through *Grants.gov*, please contact the *Grants.gov* Support Desk, toll free, at 1–800–518–4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant you an extension if you failed to fully register to submit your application to *Grants.gov* before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the *Grants.gov* system because—

• You do not have access to the internet; or

• You do not have the capacity to upload large documents to the *Grants.gov* system;

and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Paula Maccini, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, Potomac Center Plaza, Washington, DC 20202–5108. FAX: (202) 245–7590.

Your paper application must be submitted in accordance with the mail or hand-delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.326M), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.326M), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. Selection Criteria: The selection criteria for this competition are listed in the application package.

(a) *Significance (15 points).*

(1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The extent to which the proposed project involves a high-quality review of the relevant literature and the demonstration of promising strategies that build on, or are alternatives to, existing strategies that address the needs of the target population.

(ii) The potential contribution of the proposed project to increase knowledge or understanding of problems, issues, or effective strategies in improving results for children with disabilities.

(iii) The extent to which the proposed project is likely to build local capacity to provide, improve, or expand and sustain services that address the needs of the target population.

Note: Under the ''Significance'' criterion, reviewers are looking for a thorough review of the literature that (a) substantiates the inclusion of existing interventions supported by evidence and implementation strategies (*i.e.,* core model components) that research suggests will improve child, teacher, or system outcomes when implemented with fidelity; and (b) the efficacy of this model to address the issue or problem identified as a need in the priority. Reviewers will also be considering the breadth and adequacy of the applicant's proposed approaches to site staff training and strategies for sustainment of the model as part of this criterion.

(b) *Quality of the project design (35 points).*

(1) The Secretary considers the quality of the design of the proposed project.

(2) In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which a coherent model that includes site selection, practices supported by evidence, implementation and sustainment components is clearly articulated.

(ii) The extent to which the goals, activities, outputs, and outcomes to be achieved by the proposed project are clearly specified and measurable, as depicted in a logic model.

(iii) The extent to which the design of the proposed project includes a thorough, high-quality plan for project implementation, and the use of appropriate methodological tools to ensure successful achievement of project outcomes.

(iv) The extent to which the training or professional development to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(v) The quality of the proposed project design and procedures for documenting project activities, implementation, and outcomes (*e.g.,* a manual).

(vi) The likelihood that the proposed project will result in system change or improvement through articulated strategies to sustain implementation, and detailed documentation that would allow replication in other locations as well as ambitious goals for disseminating the information to relevant stakeholders.

Note: Under the ''Quality of Project Design'' criterion, the reviewers are looking for: (a) A description of model site selection and preparation, to include the criteria for site selection and how the model will be introduced to major stakeholders at the site(s); (b) a clear and thorough description of the core intervention components of the model, to include the child, teacher, and system outcomes to be measured, along with proposed measures of social validity; (c) a clear and thorough description of the implementation components of the model, to include at minimum how and when site staff training will occur and the content of the training, how trainer remediation is addressed, staff coaching strategies, and how implementation fidelity will be measured; (d) a logic model that depicts, at a minimum, the goals, activities, outputs, and outcomes of the model; and (e) a clear and thorough description of the applicant's proposed sustainment strategies, to include how the information contained in the manual for the model will be compiled. In order to put these components in context, the reviewers also will be looking for a general timeline or flow of activities for the project that illustrates when these components are introduced in each site (*i.e.,* lag design) and how and when the measures are taken and analyzed in support of the project evaluation activities.

(c) *Adequacy of project resources and management plan (25 points).*

(1) The Secretary considers the adequacy of resources for the proposed project and the quality of its management plan.

(2) In determining the adequacy of resources and the management plan, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of key project personnel (*i.e.,* project director, project staff, and project consultants or subcontractors).

(ii) The adequacy of support, including the time commitments of the project director, project staff, and project consultants or subcontractors and the type and quality of facilities, equipment, supplies, and other resources from the applicant organization and key partners.

(iii) The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated outcomes and benefits.

(iv) The adequacy of the management plan to achieve the objectives of the proposed model on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(v) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project.

(d) *Quality of the project evaluation (25 points).*

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward effective implementation of the proposed project and achieving intended child and system outcomes.

(ii) The extent to which the methods of evaluation provide for examining the effectiveness of model intervention, implementation, and sustainment strategies.

(iii) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, activities, and outcomes of the proposed model.

(iv) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.

Note: Under the ''Quality of the Project Evaluation'' criterion, the reviewers are looking for: (a) A clear description of each of the proposed measures (it is recommended that the applicant attach the actual measures proposed; a description of the actual or proposed measures; or an example of a measure that closely approximates the proposed measure in an appendix); and (b) a clear indication of when these measures will be applied and how they will be analyzed and used for formative evaluation purposes (*i.e.,* for making improvements to the model during the grant period) and for summative evaluation purposes (*i.e.,* for determining the effectiveness and acceptability of the processes and outcomes attributable to the model).

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications.

4. *Risk Assessment and Special Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

5. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2), we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the Department has established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the Technical Assistance and Dissemination to Improve Services and Results for Children With Disabilities program. We

will use these measures to evaluate the extent to which projects provide high-quality products and services, the relevance of project products and services to educational and early intervention policy and practice, and the use of products and services to improve educational and early intervention policy and practice.

Projects funded under this competition are required to submit data on these measures as directed by OSEP.

Grantees will be required to report information on their project's performance in annual and final performance reports to the Department (34 CFR 75.590).

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the Management Support Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5113, Potomac Center Plaza, Washington, DC 20202–2500. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: May 16, 2017.

Ruth E. Ryder,

Deputy Director, Office of Special Education Programs, delegated the duties of the Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2017–10249 Filed 5–18–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0029]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Veterans Upward Bound (VUB) Program Annual Performance Report

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before June 19, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0029. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 224–84, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kenneth Foushee, 202–453–7417.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Veterans Upward Bound (VUB) Program Annual Performance Report.

OMB Control Number: 1840–0832.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 49.

Total Estimated Number of Annual Burden Hours: 833.

Abstract: The purpose of the Veterans Upward Bound (VUB) Program is to prepare, motivate, and assist military veterans in the development of academic and other skills necessary for acceptance into and success in a program of postsecondary education. Authority for this program is contained in Title IV, Part A, Subpart 2, Chapter 1, Section 402C of the Higher Education Act of 1965, as amended by the Higher Education Opportunity Act of 2008. Eligible applicants include institutions of higher education, public or private agencies or organizations, including community-based organizations with experience in serving disadvantaged youth, secondary schools, and combinations of institutions, agencies, organizations, and secondary schools.

Upward Bound Program participants must be potential first-generation college students, low-income individuals, or individuals who have a high risk for academic failure, and have a need for academic support in order to pursue successfully a program of education beyond high school. Required program services include: (1) Academic tutoring; (2) advice and assistance in secondary and postsecondary course selection; (3) preparation for college entrance exams and completing the college admission applications; (4) information on federal student financial aid programs including (a) federal Pell grant awards, (b) loan forgiveness, and (c) scholarships; (5) assistance completing financial aid applications; (6) guidance on and assistance in: (a) Secondary school reentry, (b) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma, (c) entry into general educational development (GED) programs or, (d) entry into postsecondary education; (7) education or counseling services designed to improve the financial and economic literacy of students or the students' parents, including financial planning for postsecondary education; and (8) projects funded for at least two years under the program must provide instruction in mathematics through pre-calculus; laboratory science; foreign language; composition; and literature.

Dated: May 16, 2017.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–10244 Filed 5–18–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0015]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application for Grants Under the Predominantly Black Institutions Formula Grant Program

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a reinstatement of a previously approved information collection.

DATES: Interested persons are invited to submit comments on or before June 19, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0015. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 224–84, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Bernadette Miles, 202–453–7892.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Application for Grants Under the Predominantly Black Institutions Formula Grant Program.

OMB Control Number: 1840–0812.

Type of Review: A reinstatement of a previously approved information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 11.

Total Estimated Number of Annual Burden Hours: 220.

Abstract: The Higher Education Opportunity Act of 2008 amended Title III, Part A of the Higher Education Act to include Section 318—the Predominantly Black Institutions (PBI) Program. The PBI Program makes 5-year grant awards to eligible colleges and universities to plan, develop, undertake and implement programs to enhance the institution's capacity to serve more low- and middle-income Black American students; to expand higher education opportunities for eligible students by encouraging college preparation and student persistence in secondary school and postsecondary education; and to strengthen the financial ability of the institution to serve the academic needs of these students.

Dated: May 16, 2017

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–10191 Filed 5–18–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Technical Assistance and Dissemination To Improve Services and Results for Children With Disabilities—National Center To Enhance Educational Systems To Promote the Use of Practices Supported by Evidence

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for new awards for fiscal year (FY) 2017 for Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities—National Center to Enhance Educational Systems to Promote the Use of Practices Supported by Evidence, Catalog of Federal Domestic Assistance (CFDA) number 84.326K.

DATES:

Applications Available: May 19, 2017.

Deadline for Transmittal of Applications: July 3, 2017.

Deadline for Intergovernmental Review: September 1, 2017.

FOR FURTHER INFORMATION CONTACT: Jennifer Coffey, U.S. Department of Education, 400 Maryland Avenue SW., Room 5134, Potomac Center Plaza, Washington, DC 20202–5108. Telephone: (202) 245–7373.

If you use a telecommunications device for the deaf (TDD) or a a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program is to promote academic achievement and to improve results for children with disabilities by providing technical assistance (TA), supporting model demonstration projects, disseminating useful information, and implementing activities that are supported by scientifically based research.

Priority: In accordance with 34 CFR 75.105(b)(2)(v), this priority is from allowable activities specified in the statute (see sections 663 and 681(d) of the Individuals with Disabilities Education Act (IDEA); 20 U.S.C. 1463 and U.S.C. 1481).

Absolute Priority: For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is: *National Center to Enhance Educational Systems to Promote the Use of Practices Supported by Evidence.*

Background

The purpose of this priority is to fund a cooperative agreement to establish and operate a national center to provide technical assistance (TA) directly to States, educational service agencies (ESAs), local educational agencies (LEAs), and charter management organizations in those States to help create the conditions necessary for educators to make full and sustained use of instructional and leadership practices supported by evidence (as defined in this notice). Because they are an essential part of this effort, the Center will also provide this TA to other Department-funded TA centers and to organizations that prepare district superintendents.

Despite the increasing availability of practices supported by evidence in literacy, math, science, and behavior support, such as those found in the What Works Clearinghouse, and a significant amount of money and time spent on professional development, the progress of students with disabilities has not significantly improved over time (Burns & Darling-Hammond, 2014; Cook & Odom, 2013; TNTP, 2015; What Works Clearinghouse Publications, available at *http://ies.ed.gov/ncee/wwc/Publication#/ContentTypeId:3*).

In 2003, 28 percent of students with disabilities scored at or above basic—this denotes partial mastery of prerequisite knowledge and skills that are fundamental for proficient work at the grade assessed—in reading on the National Assessment of Educational Progress (NAEP). In 2015, 30 percent of students with disabilities scored at or above basic in reading, only a 2 percent increase over a span of 12 years (U.S. Department of Education, 2015).

Although there are pockets of excellence, the practices available from the What Works Clearinghouse and many other sources are generally not implemented as intended or broadly enough to have a major impact on the achievement of students with disabilities (Burns & Ysseldyke, 2009; Klingner, Boardman, & McMaster, 2013). Practices supported by evidence will improve results for students with disabilities only when successfully implemented and sustained.

Successful local implementation will depend on: (1) Infrastructure, such as professional development, data systems, and implementation teams, that supports educators' acquisition and use of the necessary skills; and (2) alignment among national, State, and district policies (Coburn, Hill, & Spillane, 2016; Tseng, 2012).

Strengthening infrastructure and aligning policies can be accomplished through strong leadership throughout the State education system, including at the SEA, ESA (where available), and LEA levels (Endsley et al., 2014; Fullan, Bertani, & Quinn, 2004; McIntosh, Mercer, Nese, Strickland-Cohen, & Hoselton, 2015; Sanders, 2012). Although there has been some exploration of how leaders at each level can best support the scaling up of instructional and leadership practices, more focused efforts are needed (Sanders, 2012; Tseng, 2012). Further, while there are examples of ESAs that have supported districts' efforts to implement practices supported by evidence, little is known regarding how ESAs can best assist SEAs to work with LEAs in the implementation and scaling up of practices that improve results for students with disabilities (Endsley et al., 2014; Rock et al., 2009).

This Center is intended to address all of these needs by helping States strengthen the alignment of policy and practice and further develop States' infrastructure.

Priority

The purpose of this priority is to fund a cooperative agreement to establish and operate a Center to achieve, at a minimum, the following:

(1) Increased capacity of the SEA, ESAs (where available), LEAs, and charter management organizations in selected States to build an infrastructure to support educators' implementation of instructional and leadership practices supported by evidence;

(2) Increased capacity of OSEP-funded TA centers to support SEA, ESA, LEA, and charter management organizations' systemic change efforts to support implementation of instructional and leadership practices that lead to improved outcomes for students with disabilities;

(3) Increased knowledge, skills, and competencies of LEA superintendents and other leaders related to identifying and supporting implementation of practices that lead to improved outcomes for students with disabilities; and

(4) Increased body of knowledge on building an infrastructure that supports implementation of practices that lead to improved outcomes for students with disabilities.

In addition to these programmatic requirements, to be considered for funding under this priority, applicants must meet the application and administrative requirements in this priority, which are:

(a) Demonstrate, in the narrative section of the application under ''Significance of the Project,'' how the proposed project will—

(1) Address State and TA center needs related to developing infrastructure that supportsLEAs and charter management organizations' ability to implement, scale up, and sustain the use of instructional and leadership practices supported by evidence. To meet this requirement the applicant must—

(i) Present applicable State, regional, and local data demonstrating the current needs related to building capacity to implement, scale up, and sustain the use of practices supported by evidence;

(ii) Demonstrate knowledge of current educational issues and policy initiatives for supporting implementation and scaling up of practices supported by evidence;

(2) Establish partnerships with a minimum of two organizations that prepare district superintendents and one charter management organization to integrate training related to developing an infrastructure to support implementation into their preparation.

(3) Collaborate with other OSEP-funded centers (see *www.osepideasthatwork.org/find-center-or-grant/find-a-center*) to support States' efforts to build infrastructure that enables States to reach their State-identified measureable results as described in their Statewide Systemic Improvement Plans.

(b) Demonstrate, in the narrative section of the application under ''Quality of the Project Services,'' how the proposed project will—

(1) Ensure equal access and treatment for members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. To meet this requirement, the applicant must describe how it will—

(i) Identify the needs of the intended recipients for TA and information; and

(ii) Ensure that services and products meet the needs of the intended recipients of the grant;

(2) Achieve its goals, objectives, and intended outcomes. To meet this requirement, the applicant must provide—

(i) Measurable intended project outcomes; and

(ii) The logic model by which the proposed project will achieve its intended outcomes. A logic model used in connection with this priority communicates how a project will achieve its intended outcomes and provides a framework for both the formative and summative evaluations of the project;

(3) Use a conceptual framework to develop project plans and activities, describing any underlying concepts, assumptions, expectations, beliefs, or theories, as well as the presumed relationships or linkages among these variables, and any empirical support for this framework;

Note: Rather than use the definition of ''logic model'' in section 77.1(c) of EDGAR, OSEP uses the definition in paragraph (b)(2)(ii) of these application requirements. This definition, unlike the definition in 34 CFR 77.1(c), differentiates between logic models and conceptual frameworks. The following Web sites provide more information on logic models: *www.osepideasthatwork.org/logicModel* and *www.osepideasthatwork.org/resources-grantees/program-areas/ta-ta/tad-project-logic-model-and-conceptual-framework.*

(4) Be based on current research and make use of practices supported by evidence. To meet this requirement, the applicant must describe—

(i) The current research on infrastructure development that builds capacity in SEAs and LEAs to implement, scale up, and sustain the use of practices supported by evidence;

(ii) The current research about adult learning principles and implementation or improvement science that will inform the proposed TA; and

(iii) How the proposed project will incorporate current research and practices supported by evidence in the development and delivery of its products and services;

(5) Develop products and provide services that are of high quality and sufficient intensity and duration to achieve the intended outcomes of the proposed project. To address this requirement, the applicant must describe—

(i) How it proposes to identify or develop the knowledge base;

(ii) Its proposed approach to universal, general TA,[1] which must identify the intended recipients of the products and services under this approach;

(iii) Its proposed approach to targeted, specialized TA,[2] which must identify—

(A) The intended recipients of the products and services under this approach; and

(B) Its proposed approach to measure the readiness of potential TA recipients to work with the project, assessing, at a minimum, their current infrastructure, available resources, and ability to build capacity at the local level; and

(iv) Its proposed approach to intensive, sustained TA,[3] which must identify—

(A) The intended recipients of the products and services under this approach;

(B) Its proposed approach to measure the readiness of the SEAs, ESAs, and LEAs to work with the project, including their commitment to the initiative, alignment of the initiative to their needs, current infrastructure, available resources, and ability to build capacity at the local level;

(C) Its proposed plan for assisting SEAs to build or enhance training systems that include professional development based on adult learning principles and coaching; and

(D) Its proposed plan for working with appropriate levels of the education system (*e.g.,* SEAs, ESAs, districts, schools, families) to ensure that there is communication between each level and that there are systems in place to support implementation of practices supported by evidence;

(6) Develop products and implement services that maximize efficiency. To address this requirement, the applicant must describe—

(i) How the proposed project will use technology to achieve the intended project outcomes;

(ii) With whom the proposed project will collaborate and the intended outcomes of this collaboration; and

(iii) How the proposed project will use non-project resources to achieve the intended project outcomes.

(c) In the narrative section of the application under ''Quality of the Evaluation Plan,'' include an evaluation plan for the project. The evaluation plan must describe: measures of progress in implementation, including the criteria for determining the extent to which the project's products and services have reached its target population; measures of intended outcomes or results of the project's activities in order to evaluate those activities; and a plan for determining how well the goals or objectives of the proposed project, as described in its logic model, have been met.

(d) Demonstrate, in the narrative section of the application under ''Adequacy of Project Resources,'' how—

[1] ''Universal, general TA'' means TA and information provided to independent users through their own initiative, resulting in minimal interaction with TA center staff and including one-time, invited or offered conference presentations by TA center staff. This category of TA also includes information or products, such as newsletters, guidebooks, or research syntheses, downloaded from the TA center's Web site by independent users. Brief communications by TA center staff with recipients, either by telephone or email, are also considered universal, general TA.

[2] ''Targeted, specialized TA'' means TA services based on needs common to multiple recipients and not extensively individualized. A relationship is established between the TA recipient and one or more TA center staff. This category of TA includes one-time, labor-intensive events, such as facilitating strategic planning or hosting regional or national conferences. It can also include episodic, less labor-intensive events that extend over a period of time, such as facilitating a series of conference calls on single or multiple topics that are designed around the needs of the recipients. Facilitating communities of practice can also be considered targeted, specialized TA.

[3] ''Intensive, sustained TA'' means TA services often provided on-site and requiring a stable, ongoing relationship between the TA center staff and the TA recipient. ''TA services'' are defined as negotiated series of activities designed to reach a valued outcome. This category of TA should result in changes to policy, program, practice, or operations that support increased recipient capacity or improved outcomes at one or more systems levels.

(1) The proposed project will encourage applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability, as appropriate;

(2) The proposed key project personnel, consultants, and subcontractors have the qualifications and experience to carry out the proposed activities and achieve the project's intended outcomes;

(3) The applicant and any key partners have adequate resources to carry out the proposed activities; and

(4) The proposed costs are reasonable in relation to the anticipated results and benefits.

(e) Demonstrate, in the narrative section of the application under ''Quality of the Management Plan,'' how—

(1) The proposed management plan will ensure that the project's intended outcomes will be achieved on time and within budget. To address this requirement, the applicant must describe—

(i) Clearly defined responsibilities for key project personnel, consultants, and subcontractors, as applicable; and

(ii) Timelines and milestones for accomplishing the project tasks;

(2) Allocation of key project personnel and any consultants and subcontractors and how these allocations are appropriate and adequate to achieve the project's intended outcomes;

(3) The proposed management plan will ensure that the products and services provided are of high quality, relevant, and useful to recipients; and

(4) The proposed project will benefit from a diversity of perspectives, including those of families, educators, TA providers, researchers, and policy makers, among others, in its development and operation.

(f) Address the following application requirements. The applicant must—

(1) Include, in Appendix A, a logic model that depicts, at a minimum, the goals, activities, outputs, and intended outcomes of the proposed project.

(2) Include, in Appendix A, a conceptual framework for the project;

(3) Include, in Appendix A, personnel-loading charts and timelines, as applicable, to illustrate the management plan described in the narrative;

(4) Include, in the budget, attendance at the following:

(i) A one and one-half day kick-off meeting in Washington, DC, after receipt of the award, and an annual planning meeting in Washington, DC, with the OSEP project officer and other relevant staff during each subsequent year of the project period.

Note: Within 30 days of receipt of the award, a post-award teleconference must be held between the OSEP project officer and the grantee's project director or other authorized representative.

(ii) A two and one-half day project directors' conference in Washington, DC, during each year of the project period;

(iii) Two annual two-day trips to attend Department briefings, Department-sponsored conferences, and other meetings, as requested by OSEP; and

(iv) A one-day intensive 3+2 review meeting in Washington, DC, during the last half of the second year of the project period;

(5) Include, in the budget, a line item for an annual set-aside of five percent of the grant amount to support emerging needs that are consistent with the proposed project's intended outcomes, as those needs are identified in consultation with and approved by the OSEP project officer. With approval from the OSEP project officer, the project must reallocate any remaining funds from this annual set-aside no later than the end of the third quarter of each budget period;

(6) Maintain a Web site, with an easy-to-navigate design, that meets government or industry-recognized standards for accessibility; and

(7) Include, in Appendix A, an assurance to assist OSEP with the transfer of pertinent resources and products and to maintain the continuity of services to States during the transition to this new award period, as appropriate.

Fourth and Fifth Years of the Project

In deciding whether to continue funding the project for the fourth and fifth years, the Secretary will consider the requirements of 34 CFR 75.253(a), as well as—

(a) The recommendation of a 3+2 review team consisting of experts selected by the Secretary. This review will be conducted during a one-day intensive meeting that will be held during the last half of the second year of the project period;

(b) The timeliness and assessment of how well the requirements of the negotiated cooperative agreement have been or are being met by the project; and

(c) The quality, relevance, and usefulness of the project's products and services and the extent to which the project's products and services are aligned with the project's objectives and likely to result in the project achieving its intended outcomes.

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Definitions

For the purposes of this priority:

Strong theory means a rationale for the proposed process, product, strategy, or practice that includes a logic model.

Supported by evidence means supported by at least strong theory.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities. Section 681(d) of IDEA, however, makes the public comment requirements of the APA inapplicable to the priority in this notice.

Program Authority: 20 U.S.C. 1463 and 1481.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to IHEs only.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: The Administration has requested $54,345,000 for the Technical Assistance and Dissemination to Improve Services and Results for Children With Disabilities program for FY 2017, of which we intend to use an estimated $1,100,000 for this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2018 from the list of unfunded applications from this competition.

Maximum Award: We will reject any application that proposes a budget exceeding $1,100,000 for a single budget period of 12 months.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* SEAs; LEAs, including public charter schools that operate as LEAs under State law; IHEs; other public agencies; private nonprofit organizations; freely associated States and outlying areas; Indian tribes or tribal organizations; and for-profit organizations.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Eligible Subgrantees:* (a) Under 34 CFR 75.708(b) and (c) a grantee may award subgrants—to directly carry out project activities described in its application—to the following types of entities: IHEs and private nonprofit organizations suitable to carry out the activities proposed in the application.

(b) The grantee may award subgrants to entities it has identified in an approved application.

4. *Other General Requirements:*

(a) Recipients of funding under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of the IDEA).

(b) Each applicant for, and recipient of, funding must, with respect to the aspects of their proposed project relating to the absolute priority, involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of the IDEA).

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the internet or from the Education Publications Center (ED Pubs).

To obtain a copy via the internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.*

To obtain a copy from ED Pubs, write, fax, or call: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a TDD or a TTY, call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application package from ED Pubs, be sure to identify this competition as follows: CFDA number 84.326K.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content and form of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you—(1) limit Part III to no more than 70 pages, and (2) use the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.
- Use a font that is 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the recommended page limit does apply to all of Part III, the application narrative, including all text in charts, tables, figures, graphs, and screen shots.

3. *Submission Dates and Times:*

Applications Available: May 19, 2017.

Deadline for Transmittal of Applications: July 3, 2017.

Applications for grants under this competition must be submitted electronically using the *Grants.gov* Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to *Other Submission Requirements* in section IV of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid

in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT.** If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: September 1, 2017.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following Web site: *http://fedgov.dnb.com/webform.* A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, it may be 24 to 48 hours before you can access the information in, and submit an application through, *Grants.gov.*

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a *SAM.gov* Tip Sheet, which you can find at: *www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via *Grants.gov*, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with *Grants.gov* as an AOR. Details on these steps are outlined at the following *Grants.gov* Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the National Center to Enhance Educational Systems to Promote the Use of Practices Supported by Evidence competition, CFDA number 84.326K, must be submitted electronically using the Governmentwide *Grants.gov* Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the National Center to Enhance Educational Systems to Promote the Use of Practices Supported by Evidence competition at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.326, not 84.326K).

Please note the following:

- When you enter the *Grants.gov* site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the *Grants.gov* system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the *Grants.gov* system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from *Grants.gov*, we will notify you if we are rejecting your application because it was date and time stamped by the *Grants.gov* system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through *Grants.gov.*
- You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for this competition to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* under News and Events on the Department's G5 system home page at *www.G5.gov.* In addition, for specific guidance and procedures for submitting an application through *Grants.gov,* please refer to the *Grants.gov* Web site at: *www.grants.gov/web/grants/applicants/apply-for-grants.html.*

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

• You must upload any narrative sections and all other attachments to your application as files in a read-only Portable Document Format (PDF). Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only PDF (*e.g.,* Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will not review that material. Please note that this could result in your application not being considered for funding because the material in question—for example, the application narrative—is critical to a meaningful review of your proposal. For that reason it is important to allow yourself adequate time to upload all material as PDF files. The Department will not convert material from other formats to PDF. Additional, detailed information on how to attach files is in the application instructions.

• After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. This notification indicates receipt by *Grants.gov* only, not receipt by the Department. *Grants.gov* will also notify you automatically by email if your application met all the *Grants.gov* validation requirements or if there were any errors (such as submission of your application by someone other than a registered Authorized Organization Representative, or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by *Grants.gov,* the Department will retrieve your application from *Grants.gov* and send you an email with a unique PR/Award number for your application.

These emails do not mean that your application is without any disqualifying errors. While your application may have been successfully validated by *Grants.gov*, it must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to upload attachments in a read-only PDF; failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through *Grants.gov*, please contact the *Grants.gov* Support Desk, toll free, at 1–800–518–4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant you an extension if you failed to fully register to submit your application to *Grants.gov* before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the *Grants.gov* system because—

• You do not have access to the internet; or

• You do not have the capacity to upload large documents to the *Grants.gov* system;

and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Jennifer Coffey, U.S. Department of Education, 400 Maryland Avenue SW., Room 5134, Potomac Center Plaza, Washington, DC 20202–5108. FAX: (202) 245–7590.

Your paper application must be submitted in accordance with the mail or hand-delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.326K), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not

accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.326K), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are listed in the application package.

a. *Significance (10 points).*

(1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues, or effective strategies;

(ii) The likelihood that the proposed project will result in system change or improvement;

(iii) The extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population;

(iv) The likely utility of the products (such as information, materials, processes, or techniques) that will result from the proposed project, including the potential for their being used effectively in a variety of other settings; and

(v) The importance or magnitude of the results or outcomes likely to be attained by the proposed project.

b. *Quality of project services (25 points).*

(1) The Secretary considers the quality of the services to be provided by the proposed project.

(2) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services;

(ii) The extent to which entities that are to be served by the proposed technical assistance project demonstrate support for the project;

(iii) The extent to which the services to be provided by the proposed project reflect up-to-date knowledge from research and effective practice;

(iv) The likely impact of the services to be provided by the proposed project on the intended recipients of those services;

(v) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services; and

(vi) The extent to which the technical assistance services to be provided by the proposed project involve the use of efficient strategies, including the use of technology, as appropriate, and the leveraging of non-project resources.

c. *Quality of project personnel (20 points).*

(1) The Secretary considers the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of key project personnel; and

(ii) The qualifications, including relevant training and experience, of project consultants or subcontractors.

d. *Adequacy of resources (10 points).*

(1) The Secretary considers the adequacy of resources for the proposed project.

(2) In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization;

(ii) The extent to which the budget is adequate to support the proposed project; and

(iii) The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits.

e. *Quality of the management plan (15 points).*

(1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks;

(ii) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project;

(iii) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project;

(iv) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project; and

(v) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

f. *Quality of project evaluation (20 points).*

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project;

(ii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes;

(iii) The extent to which the methods of evaluation will provide timely guidance for quality assurance;

(iv) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings;

(v) The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies; and

(vi) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications.

4. *Risk Assessment and Special Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

5. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2), we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Under the Government Performance and Results Act of 1993, the Department has established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the Technical Assistance and Dissemination to Improve Services and Results for Children With Disabilities program. For purposes of this priority, the Center will use these measures, which focus on the extent to which projects provide high-quality products and services, the relevance of project products and services to educational and early

intervention policy and practice, and the use of products and services to improve educational and early intervention policy and practice.

Projects funded under this competition are required to submit data on these measures as directed by OSEP.

Grantees will be required to report information on their project's performance in annual and final performance reports to the Department (34 CFR 75.590).

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the Management Support Services Team, U.S. Department of Education, 400 Maryland Avenue SW., room 5113, Potomac Center Plaza, Washington, DC 20202–2500. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: May 16, 2017.

Ruth E. Ryder,

Deputy Director, Office of Special Education Programs, delegated the duties of the Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2017–10248 Filed 5–18–17; 8:45 am]

BILLING CODE 4000–01–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: EC17–116–000.
Applicants: Verde Energy USA Inc., Verde Energy USA New York, LLC, Verde Energy USA Trading, LLC.
Description: Application of Verde Energy USA Inc., et. al. for Authorization Under Section 203 of the Federal Power Act and Requests for Waivers, Confidential Treatment and Expedited Action.
Filed Date: 5/12/17.
Accession Number: 20170512–5167.
Comments Due: 5 p.m. ET 6/2/17.

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

Docket Numbers: ER17–105–003; ER17–104–003.
Applicants: Broadview Energy JN, LLC, Broadview Energy KW, LLC.
Description: Notice of Non-Material Change in Status of Broadview Energy JN, LLC, ET AL.
Filed Date: 5/12/17.
Accession Number: 20170512–5131.
Comments Due: 5 p.m. ET 6/2/17.

Docket Numbers: ER17–1589–000.
Applicants: ISO New England Inc., Vermont Transco, LLC.
Description: § 205(d) Rate Filing: Vermont Transco LLC Request for Approval of Updated Depreciation Rates to be effective 7/1/2017.
Filed Date: 5/12/17.
Accession Number: 20170512–5111.
Comments Due: 5 p.m. ET 6/2/17.

Docket Numbers: ER17–1590–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revisions to OA Schedule 1 and OATT Att K-Appx RE Operating Reserve Demand Curve to be effective 7/12/2017.
Filed Date: 5/12/17.
Accession Number: 20170512–5125.
Comments Due: 5 p.m. ET 6/2/17.

Docket Numbers: ER17–1591–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to Service Agreement No. 1442; Queue No. NQ123 to be effective 6/2/2015.
Filed Date: 5/12/17.
Accession Number: 20170512–5134.
Comments Due: 5 p.m. ET 6/2/17.

Docket Numbers: ER17–1592–000.
Applicants: Arizona Public Service Company.
Description: Notice of Cancellation of Rate Schedule No. 45 of Arizona Public Service Company.
Filed Date: 5/12/17.
Accession Number: 20170512–5140.
Comments Due: 5 p.m. ET 6/2/17.

Docket Numbers: ER17–1593–000.
Applicants: Combined Locks Energy Center, LLC.
Description: Tariff Cancellation: Cancellation of Market Based Rate Tariff to be effective 5/13/2017.
Filed Date: 5/12/17.
Accession Number: 20170512–5172.
Comments Due: 5 p.m. ET 6/2/17.

Docket Numbers: ER17–1594–000.
Applicants: Archer Energy, LLC.
Description: Baseline eTariff Filing: Application for Market Based Rate Authority to be effective 7/15/2017.
Filed Date: 5/12/17.
Accession Number: 20170512–5173.
Comments Due: 5 p.m. ET 6/2/17.

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: May 12, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–10121 Filed 5–18–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM93–11–000]

Revisions to Oil Pipeline Regulations Pursuant to the Energy Policy Act of 1992; Notice of Annual Change in the Producer Price Index for Finished Goods

The Commission's regulations include a methodology for oil pipelines to change their rates through use of an index system that establishes ceiling levels for such rates. The Commission bases the index system, found at 18 CFR 342.3, on the annual change in the Producer Price Index for Finished Goods (PPI–FG), plus one point two three percent (PPI–FG + 1.23). The Commission determined in an *Order Establishing Index Level,*[1] issued December 17, 2015, that PPI–FG + 1.23 is the appropriate oil pricing index factor for pipelines to use for the five-year period commencing July 1, 2016.

The regulations provide that the Commission will publish annually, an index figure reflecting the final change in the PPI–FG, after the Bureau of Labor Statistics publishes the final PPI–FG in May of each calendar year. The annual average PPI–FG index figures were 193.9 for 2015 and 191.9 for 2016.[2] Thus, the percent change (expressed as a decimal) in the annual average PPI–FG from 2015 to 2016, plus 1.23 percent, is positive 0.001985.[3] Oil pipelines must multiply their July 1, 2016, through June 30, 2017, index ceiling levels by positive 1.001985 [4] to compute their index ceiling levels for July 1, 2017, through June 30, 2018, in accordance with 18 CFR 342.3(d). For guidance in calculating the ceiling levels for each 12 month period beginning January 1, l995,[5] *see Explorer Pipeline Company,* 71 FERC 61,416 at n.6 (1995).

In addition to publishing the full text of this Notice in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print this Notice via the Internet through FERC's Home Page (*http://www.ferc.gov*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE., Room 2A, Washington, DC 20426. The full text of this Notice is available on FERC's Home Page at the eLibrary link. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field and follow other directions on the search page.

User assistance is available for eLibrary and other aspects of FERC's Web site during normal business hours. For assistance, please contact the Commission's Online Support at 1–866–208–3676 (toll free) or 202–502–6652 (email at *FERCOnlineSupport@ferc.gov*), or the Public Reference Room at 202–502–8371, TTY 202–502–8659. E-Mail the Public Reference Room at *public.referenceroom@ferc.gov.*

Dated: May 12, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–10125 Filed 5–18–17; 8:45 am]

BILLING CODE 6717–01–P

[1] 153 FERC 61,312 at P 52 (2015).

[2] Bureau of Labor Statistics (BLS) publishes the final figure in mid-May of each year. This figure is publicly available from the Division of Industrial Prices and Price Indexes of the BLS, at 202–691–7705, and in print in August in Table 1 of the annual data supplement to the BLS publication Producer Price Indexes via the Internet at *http://www.bls.gov/ppi/home.htm.* To obtain the BLS data, scroll down to PPI Databases and click on Top Picks of the Commodity Data including headline FD–ID indexes (Producer Price Index—PPI). At the next screen, under the heading PPI Commodity Data, select the box, Finished goods—WPUFD49207, then scroll to the bottom of this screen and click on Retrieve data.

[3] [191.9–193.9]/193.9 = −0.010315 + 0.0123 = +0.001985.

[4] 1 + 0.001985 = 1.001985.

[5] For a listing of all prior multipliers issued by the Commission, see the Commission's Web site, *http://www.ferc.gov/industries/oil/gen-info/pipeline-index.asp.*

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–28–000]

Eastern Shore Natural Gas Company; Notice of Availability of the Environmental Assessment for the Proposed 2017 Expansion Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the 2017 Expansion Project, proposed by Eastern Shore Natural Gas Company (Eastern Shore) in the above-referenced docket. Eastern Shore requests authorization to construct and operate pipeline facilities in Pennsylvania, Maryland, and Delaware. These facilities would include six pipeline loop segments totaling 22.7 miles; one 16.9-mile-long mainline extension; upgrades to an existing meter and regulator station; installation of an additional 3,750 horsepower (hp) compressor unit at an existing compressor station; and the addition of two pressure control stations.

The EA assesses the potential environmental effects of the construction and operation of the 2017 Expansion Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The U.S. Army Corps of Engineers and the U.S. Department of Agriculture Natural Resources Conservation Service participated as cooperating agencies in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis.

The proposed 2017 Expansion Project includes constructing and operating the following facilities:

- Pipeline loop segments (10-, 16-, and 24-inch-diameter) totaling 22.7 miles in the states of Pennsylvania, Maryland, and Delaware;
- One 10-inch-diameter 16.9-mile-long mainline extension in Sussex County, Delaware;
- Upgrades to an existing meter and regulator station and lateral piping at the existing interconnect with Texas Eastern in Lancaster County, Pennsylvania;
- Installation of an additional 3,750 horsepower (hp) compressor unit at the existing Daleville Compressor Station in Chester County, Pennsylvania; and
- Addition of two pressure control stations in Sussex County, Delaware.

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; newspapers and libraries in the project area; and potentially affected landowners and other interested individuals and groups.

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 June 12, 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 (CP17–28–000) 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.,* CP17–28). 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.*

Dated: May 12, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–10124 Filed 5–18–17; 8:45 am]

BILLING CODE 6717–01–P

[1] See the previous discussion on the methods for filing comments.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP15–554–000; CP15–554–001; Docket No. CP15–555–000]

Atlantic Coast Pipeline, LLC; Dominion Transmission, Inc.; Notice of Revised Schedule for Environmental Review of the Atlantic Coast Pipeline and Supply Header Project

This notice identifies the Federal Energy Regulatory Commission staff's revised schedule for the completion of the environmental impact statement (EIS) for Atlantic Coast Pipeline, LLC's (Atlantic) Atlantic Coast Pipeline and Dominion Transmission, Inc.'s (DTI) Supply Header Project. The first notice of schedule, issued on August 12, 2016, identified a final EIS date of June 30, 2017. However, in response to comments on the draft EIS (which had a comment closing date of April 6, 2017), staff sent an environmental information request to Atlantic and DTI in April 2017, and only recently received the information necessary for us to complete our environmental review. As a result, staff has revised the schedule for issuance of the final EIS.

Schedule for Environmental Review

Issuance of Notice of Availability of the final EIS—July 21, 2017.

90-day Federal Authorization Decision Deadline—October 19, 2017.

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

Additional Information

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

Dated: May 12, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–10122 Filed 5–18–17; 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: EC17–115–000.
Applicants: Mosaic Fertilizer, LLC.
Description: Application of Mosaic Fertilizer, LLC For Authorization under Federal Power Act Section 203.
Filed Date: 5/11/17.
Accession Number: 20170511–5191.
Comments Due: 5 p.m. ET 6/1/17.

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

Docket Numbers: ER11–4050–005.
Applicants: Cogentrix of Alamosa, LLC.
Description: Notice of non-material change in status of Cogentrix of Alamosa, LLC.
Filed Date: 5/11/17.
Accession Number: 20170511–5192.
Comments Due: 5 p.m. ET 6/1/17.

Docket Numbers: ER17–157–002.
Applicants: Moapa Southern Paiute Solar, LLC.
Description: Notice of Non-Material Change in Status of Moapa Southern Paiute Solar, LLC.
Filed Date: 5/11/17.
Accession Number: 20170511–5193.
Comments Due: 5 p.m. ET 6/1/17.

Docket Numbers: ER17–927–002.
Applicants: Wisconsin Public Service Corporation.

Description: Tariff Amendment: Second Amendment to Assignment—Ancillary Services & Wholesale Dist. Agmt. to be effective 2/4/2017.
Filed Date: 5/12/17.
Accession Number: 20170512–5051.
Comments Due: 5 p.m. ET 6/2/17.
Docket Numbers: ER17–1002–001.
Applicants: Optimum Power Investments, LLC.
Description: Tariff Amendment: Deficiency to 1 to be effective 3/31/2017.
Filed Date: 5/11/17.
Accession Number: 20170511–5179.
Comments Due: 5 p.m. ET 6/1/17.
Docket Numbers: ER17–1191–001.
Applicants: Otter Tail Power Company.
Description: Tariff Amendment: Amendment to Extend Time for Action to be effective 7/30/2010.
Filed Date: 5/11/17.
Accession Number: 20170511–5184.
Comments Due: 5 p.m. ET 6/1/17.
Docket Numbers: ER17–1192–001.
Applicants: Otter Tail Power Company.
Description: Tariff Amendment: Amendment to Extend Time for Action to be effective 7/30/2010.
Filed Date: 5/11/17.
Accession Number: 20170511–5183.
Comments Due: 5 p.m. ET 6/1/17.
Docket Numbers: ER17–1583–000.
Applicants: PacifiCorp.
Description: Tariff Cancellation: Termination of Tri-State E&P Agreement Monolith Tap to be effective 7/24/2017.
Filed Date: 5/11/17.
Accession Number: 20170511–5181.
Comments Due: 5 p.m. ET 6/1/17.
Docket Numbers: ER17–1584–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: UAMPS Price Construction Agmt to be effective 7/12/2017.
Filed Date: 5/11/17.
Accession Number: 20170511–5182.
Comments Due: 5 p.m. ET 6/1/17.
Docket Numbers: ER17–1585–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 3324 KPP/Sunflower Meter Agent Agr; Cancellation of 2826R1 to be effective 6/30/2017.
Filed Date: 5/12/17.
Accession Number: 20170512–5032.
Comments Due: 5 p.m. ET 6/2/17.
Docket Numbers: ER17–1586–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Clean-up of OATT, Sch. 12–Appx A (NTD)—removes Transource baseline upgrades to be effective 11/30/2016.
Filed Date: 5/12/17.
Accession Number: 20170512–5048.
Comments Due: 5 p.m. ET 6/2/17.
Docket Numbers: ER17–1587–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA, Service Agreement No. 4699, Queue No. AB1–065 to be effective 4/13/2017.
Filed Date: 5/12/17.
Accession Number: 20170512–5054.
Comments Due: 5 p.m. ET 6/2/17.
Docket Numbers: ER17–1588–000.
Applicants: Northern Indiana Public Service Company.
Description: § 205(d) Rate Filing: WVPA IA Supplement to be effective 5/18/2017.
Filed Date: 5/12/17.
Accession Number: 20170512–5055.
Comments Due: 5 p.m. ET 6/2/17.

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: May 12, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–10123 Filed 5–18–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9033–2]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EISs)
Filed 05/08/2017 Through 05/12/2017
Pursuant to 40 CFR 1506.9

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

EIS No. 20170080, Final, USAF, OR, Proposed Establishment and Modification of Oregon Military Training Airspace, Review Period Ends: 06/19/2017, Contact: Kevin Marek 240–612–8855

EIS No. 20170081, Final, USDA, ID, Middle Fork Weiser River Landscape Restoration Project, Review Period Ends: 06/19/2017, Contact: Greg Lesch 208–253–0101

EIS No. 20170082, Final, NPS, CA, Scorpion Pier Replacement, Review Period Ends: 06/19/2017, Contact: Russell Galipeau 805–658–5108

EIS No. 20170083, Final, USFS, CA, Littlerock Reservoir Sediment Removal Project, Review Period Ends: 06/19/2017, Contact: Chinling Chen 626–574–5255

Amended Notices

EIS No. 20170061, Draft, APHIS, NAT, Determination of Non-regulated Status for Freeze Tolerant Eucalyptus Lines FTE 427 and FTE 435, Comment Period Ends: 07/05/2017, Contact: Cindy Eck 301–851–3892 Revision to FR Notice Published 04/21/2017; Extending the Comment Period from 06/05/2017 to 07/05/2017

Dated: May 16, 2017.

Dawn Roberts,

Management Analyst, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2017–10235 Filed 5–18–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of

information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before July 18, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–XXXX.

Title: Connect America Phase II Auction Waiver Post-Selection Review.

Form Number: FCC Form 5625.

Type of Review: New collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 50 respondents; 150 responses.

Estimated Time per Response: 2 hours–4 hours.

Frequency of Response: Annual reporting requirements, one-time reporting requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 214, and 254.

Total Annual Burden: 500 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There are no assurances of confidentiality. However, the Commission intends to keep the information private to the extent permitted by law. Also, respondents may request materials or information submitted to the Commission believed confidential to be withheld from public inspection under 47 CFR 0.459 of the FCC's rules.

Needs and Uses: The Commission is requesting approval for this new information collection. On January 26, 2017, the Commission released *Connect America Fund; ETC Annual Reports and Certifications,* WC Docket Nos. 10–90 and 14–58, Order, FCC 17–2 (*New York Auction Order*), which granted New York waiver of the Phase II auction program rules, subject to certain conditions. Specifically, the Commission made an amount up to the amount of Connect America Phase II model-based support that Verizon declined in New York—$170.4 million—available to applicants selected in New York's New NY Broadband Program in accordance with the framework adopted in the *New York Auction Order.*

This information collection addresses the eligibility requirements that New York winning bidders must meet before the Wireline Competition Bureau (Bureau) will authorize them to receive Connect America Phase II support. For each New York winning bid that includes Connect America-eligible areas, the Commission will authorize Connect America support up to the total reserve prices of all of the Connect America Phase II auction eligible census blocks that are included in the bid, provided that New York has committed, at a minimum, the same dollar amount of New York support to the Connect America-eligible areas in that bid. Before Connect America Phase II support is authorized, the Bureau will closely review the winning bidders to ensure that they have met the eligibility requirements adopted by the Commission and that they are technically and financially qualified to meet the terms and conditions of Connect America support. To aid in collecting this information regarding New York State's winning bidders and the applicants' ability to meet the terms and conditions of Connect America Phase II support in a uniform fashion, the Commission has created the proposed new FCC Form 5625, which parties should use in their submissions with the FCC.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–10101 Filed 5–18–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0390 and 3060–0850]

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information

collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before June 19, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <*http://www.reginfo.gov/public/do/PRAMain*>, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0390.

Title: Broadcast Station Annual Employment Report, FCC Form 395–B.

Form Number: FCC 395–B.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit entities; not-for-profit institutions.

Number of Respondents and Responses: 14,000 respondents, 14,000 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: Annual reporting requirement.

Total Annual Burden: 14,000 hours.

Total Annual Cost: None.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority of this collection of information is contained in Sections 154(i) and 334 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: FCC Form 395–B, the ''Broadcast Station Annual Employment Report,'' is a data collection device used by the Commission to assess industry employment trends and provide reports to Congress. By the form, broadcast licensees and permittees identify employees by gender and race/ethnicity in ten specified major job categories in the form.

OMB Control No.: 3060–0850.

Title: Quick-Form Application for Authorization in the Ship, Aircraft, Amateur, Restricted and Commercial Operator, and General Mobile Radio Services, FCC Form 605.

Form No.: FCC Form 605.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households; business or other for-profit; not-for-profit institutions; state, local or tribal government.

Number of Respondents/Responses: 130,000 respondents; 130,000 responses.

Estimated Time per Response: 0.17 hours–0.44 hours.

Frequency of Response: On occasion reporting requirement; third party disclosure requirement, recordkeeping and other (5 and 10 years).

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 CFR 1.913(a)(4).

Total Annual Burden: 57,218 hours.

Total Respondent Cost: $2,676,700.

Privacy Act Impact Assessment: Yes.

Nature and Extent of Confidentiality: In general there is no need for confidentiality. The Commission is required to withhold from disclosure certain information about the individual such as date of birth or telephone number.

Needs and Uses: FCC 605 application is a consolidated application form for Ship, Aircraft, Amateur, Restricted and Commercial Radio Operators, and General Mobile Radio Services and is used to collect licensing data for the Universal Licensing System. The Commission is requesting OMB approval for an extension (no change in the reporting, recordkeeping and/or third party disclosure requirements). The Commission is making minor clarifications to the instructions on the main form and schedule B as well as a clarification to Item 3 on the main form. The data collected on this form includes the Date of Birth for Commercial Operator licensees however this information will be redacted from public view.

The FCC uses the information in FCC Form 605 to determine whether the applicant is legally, technically, and financially qualified to obtain a license. Without such information, the Commission cannot determine whether to issue the licenses to the applicants that provide telecommunication services to the public, and therefore, to fulfill its statutory responsibilities in accordance with the Communications Act of 1934, as amended.

The Commission is revising the basic qualifications section of the form to include a question regarding whether an application has been convicted of a felony in any state or federal court. Applicants, answering yes must provide an explanation. This item enables the FCC to determine whether an Applicant is eligible under §§ 310(d) and 308(b) of the Communications Act of 1934, as amended, to hold or have ownership interest in a station license.

In addition we are seeking approval to change the ship application form require the applicant provide the official ship number. Coast Guard requests we change this question from optional to required. Obtaining the ship number is the only way to reliably link a license to a specific vessel. The Information provided on this form will also be used

to update the database and to provide for proper use of the frequency spectrum as well as enforcement purposes.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–10102 Filed 5–18–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0126]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before June 19, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <*http://www.reginfo.gov/public/do/PRAMain*>, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0126.

Title: Section 73.1820, Station Log.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit entities; not-for-profit institutions.

Number of Respondents and Responses: 15,200 respondents; 15,200 responses.

Estimated Time per Response: 0.017–0.5 hours.

Frequency of Response: Recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Section 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 15,095 hours.

Total Annual Cost: None.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The information collection requirements contained in 47 CFR 73.1820 require that each licensee of an AM, FM or TV broadcast station maintain a station log. Each entry must accurately reflect the station's operation. This log should reflect adjustments to operating parameters for AM stations with directional antennas without an approved sampling system; for all stations the actual time of any observation of extinguishment or improper operation of tower lights; and entry of each test of the Emergency Broadcast System (EBS) for commercial stations.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–10100 Filed 5–18–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Open Commission Meeting, Thursday, May 18 2017

May 11, 2017.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, May 18, 2017 which is scheduled to commence at 10:30 a.m. in Room TW–C305, at 445 12th Street SW., Washington, DC.

Item No.	Bureau	Subject
1	Public Safety & Homeland Security	Presentation: The Commission will receive the Public Safety & Homeland Security Bureau's final report on its investigation into the VoLTE 911 outage AT&T Mobility experienced on March 8, 2017.

Item No.	Bureau	Subject
2	International	Title: Amendment of Parts 2 and 25 of the Commission's Rules to Facilitate the Use of Earth Stations in Motion Communicating with Geostationary Orbit Space Stations in Frequency Bands Allocated to the Fixed Satellite Service (IB Docket No. 17–95). Summary: The Commission will consider a Notice of Proposed Rulemaking that would both facilitate the deployment of and reduce regulatory burdens on the three types of Fixed-Satellite Service earth stations authorized to transmit while in motion: Earth Stations on Vessels, Vehicle-Mounted Earth Stations, and Earth Stations Aboard Aircraft.
3	Wireless Tele-Communications	Title: Review of the Commission's Part 95 Personal Radio Services Rules (WT Docket No. 10–119); Petition for Rulemaking of Garmin International, Inc. (RM–10762); Petition for Rulemaking of Omnitronics, LLC (RM–10844). Summary: The Commission will consider a Report and Order that would amend provisions of the Personal Radio Services located in Part 95 of the Commission's rules in order to address two Petitions for Rulemaking, update and modernize various rules to reflect current uses and technologies, remove outdated regulatory requirements, and reorganize the rules to make them easier to read and understand.
4	Media	Title: Commission Launches Modernization of Media Regulation Initiative (MB Docket No. 17–105). Summary: The Commission will consider a Public Notice that would launch a review of the Commission's rules applicable to media entities and seek comment on what rules should be modified or repealed.
5	Media	Title: Elimination of Main Studio Rule (MB Docket No. 17–106). Summary: The Commission will consider a Notice of Proposed Rulemaking that would propose to eliminate the Commission's main studio rule, based on a tentative finding that the rule is now outdated and unnecessarily burdensome for broadcast stations.
6	Wireline Competition	Title: Restoring Internet Freedom (WC Docket No. 17–108). Summary: The Commission will consider a Notice of Proposed Rulemaking that would propose to restore the Internet to a light-touch regulatory framework by classifying broadband Internet access service as an information service and by seeking comment on the existing rules governing Internet service providers' practices.
7	Wireline Competition	Title: Connect America Fund (WC Docket No. 10–90) Summary: The Commission will consider a Notice of Proposed Rulemaking that proposes to eliminate a rule requiring rural telecommunications service providers receiving USF support to impose higher minimum monthly rates on their customers than the rates paid by some of their urban counterparts, or otherwise lose some USF support. The Commission will also consider a related Order that would freeze the current rate.

* * * * * * *

Consent Agenda

The Commission will consider the following subject listed below as a consent agenda and this item will not be presented individually:

1	Media	Title: Budd Broadcasting Co., Inc., Application for Renewal of License for Television Station WFXU(TV), Live Oak, Florida. Summary: The Commission will consider an Order adopting a Consent Decree which resolves issues regarding potential violations of the Commission's rules and grants the license renewal application of WFXU(TV).

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC Live Web page at *www.fcc.gov/live.*

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services, call (703) 993–3100 or go to *www.capitolconnection.gmu.edu.*

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2017–10207 Filed 5–18–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0341 and 3060–0569]

Information Collections Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before July 18, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email: *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the PRA, 44 U.S.C. 3501–3520, the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0341.

Title: Section 73.1680, Emergency Antennas.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit institutions.

Number of Respondents and Responses: 142 respondents; 142 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 142 hours.

Total Annual Costs: $42,600.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Section 154(i) of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: The information collection requirements contained in 47 CFR 73.1680 require that licensees of AM, FM or TV stations submit an informal request to the FCC (within 24 hours of commencement of use) to continue operation with an emergency antenna. An emergency antenna is one that is erected for temporary use after the authorized main and auxiliary antennas are damaged and cannot be used. FCC staff uses the data to ensure that interference is not caused to other existing stations.

OMB Control Number: 3060–0569.

Title: Section 76.975, Commercial leased access dispute resolution.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit; State, Local or Tribal Government.

Number of Respondents and Responses: 60 respondents; 60 responses.

Estimated Time per Response: 4 to 40 hours.

Frequency of Response: Third party disclosure requirement; On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 154(i) and 612 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Total Annual Burden: 1,320 hours.

Total Annual Cost: $24,000.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: The information collection requirements contained in 47 CFR 76.975 permits any person aggrieved by the failure or refusal of a cable operator to make commercial channel capacity available or to charge rates for such capacity in accordance with the provisions of Title VI of the Communications Act of 1934 may file a petition for relief with the Commission.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–10098 Filed 5–18–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update listing of financial institutions in liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing. This list (as updated from time to time in the **Federal Register**) may be relied upon as ''of record'' notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992 issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation Web site at *www.fdic.gov/bank/individual/failed/banklist.html* or contact the Manager of Receivership Oversight in the appropriate service center.

Dated: May 16, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

INSTITUTIONS IN LIQUIDATION

[In alphabetical order]

FDIC Ref. No.	Bank name	City	State	Date closed
10527	Guaranty Bank, (d/b/a BestBank in Georgia & Michigan)	Milwaukee	WI	5/5/2017

[FR Doc. 2017–10195 Filed 5–18–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission

DATE & TIME: Tuesday, May 23, 2017 at 10:00 a.m. and its continuation at the conclusion of the open meeting on May 25, 2017.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEM TO BE DISCUSSED: Compliance matters pursuant to 52 U.S.C. 30109.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2017–10287 Filed 5–17–17; 11:15 am]

BILLING CODE 6715–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–XXXX; Docket No. 2017–0001; Sequence 3]

Information Collection; Ombudsman Inquiry/Request Instrument

AGENCY: Office of Acquisition Policy, Office of the Procurement Ombudsman (OPO), General Services Administration (GSA).

ACTION: Notice of request for comments regarding a new request for an Office of Management and Budget (OMB) clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the OMB a request to review and approve a new information collection requirement regarding OMB Control No: 3090–XXXX; Ombudsman Inquiry/Request Instrument.

DATES: Submit comments on or before July 18, 2017.

ADDRESSES: Submit comments identified by Information Collection 3090–XXXX; Inquiry/Request Instrument by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''Information Collection 3090–XXXX; Ombudsman Inquiry/Request Instrument.'' Select the link ''Submit a Comment'' that corresponds with ''Information Collection 3090–XXXX; Inquiry/Request Instrument.'' Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 3090–XXXX; Ombudsman Inquiry/Request Instrument'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 3090–XXXX; Office of the Ombudsman Inquiry/Request Instrument.

Instructions: Please submit comments only and cite Information Collection 3090–XXXX; Inquiry/Request Instrument, 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. Millisa Gary, GSA Procurement/Task & Delivery Order Ombudsman, Office of Acquisition Policy, Office of the Ombudsman, GSA, at telephone 202–501–0699 or via email to *millisa.gary@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

OPO wants to place an online intake Instrument on the GSA Ombudsman's Web page for receiving inquiries from vendors who are currently doing business with, or interested in doing business with GSA. The inquiries will be collected by the GSA Ombudsman and routed to the appropriate office for resolution and/or implementation in the case of recommendations for process or program improvements. Reporting of the data collected will help highlight thematic issues that vendors encounter with GSA acquisition programs, processes or policies, and identify areas where training is needed. The information collected will also assist in identifying and analyzing patterns and trends to help improve efficiencies and lead to improvements in current practices.

B. Annual Reporting Burden

Maximum Potential Respondents: 118.

Responses Per Respondent: 1.

Total Maximum Potential Annual Responses: 118.

Hours Per Response: .25.

Total Burden Hours: 29.5.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary, 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. 3090–XXXX, Inquiry/Request Instrument, in all correspondence.

Jeffrey A. Koses,

Director, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2017–10147 Filed 5–18–17; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3336–PN]

Medicare and Medicaid Programs: Application From the Joint Commission for Continued CMS-Approval of Its Critical Access Hospital Accreditation Program

AGENCY: Centers for Medicare and Medicaid Services (CMS), HHS.

ACTION: Notice with request for comment.

SUMMARY: This proposed notice acknowledges the receipt of an application from the Joint Commission for continued recognition as a national accrediting organization for critical access hospitals that wish to participate in the Medicare or Medicaid programs.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on June 19, 2017.

ADDRESSES: In commenting, please refer to file code CMS–3336–PN. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3336–PN, P.O. Box 8010, Baltimore, MD 21244–8010.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3336–PN, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* Alternatively, you may deliver (by hand or courier) your written comments ONLY to the following addresses:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786–9994 in advance to schedule your arrival with one of our staff members.

Comments erroneously mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Monda Shaver, (410) 786–3410, Karena Meushaw, (410) 786–6609, or Patricia Chmielewski, (410) 786–6899.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services in a critical access hospital (CAH) provided certain requirements are met by the CAH. Section 1861(mm) of the Social Security Act (the Act), establishes distinct criteria for facilities seeking designation as a CAH. 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 485, subpart F specify the conditions that a CAH must meet to participate in the Medicare program, the scope of covered services, and the conditions for Medicare payment for CAHs.

Generally, to enter into an agreement, a CAH must first be certified by a State survey agency as complying with the conditions or requirements set forth in part 485 of our regulations. Thereafter, the CAH is subject to regular surveys by a State survey agency to determine whether it continues to meet these requirements. There is an alternative, however, to surveys by State agencies.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by an approved national accrediting organization that all applicable Medicare conditions are met or exceeded, we will deem that provider entity as having met the requirements. Accreditation from an accrediting organization is voluntary and is not required for Medicare participation.

If an accrediting organization is recognized by the Secretary of the Department of Health and Human Services (the Secretary) as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program would be deemed to meet the Medicare conditions. A national accrediting organization applying for approval of its accreditation program under part 488, subpart A, must provide CMS with reasonable assurance that the accrediting organization requires the 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. The regulations at § 488.5(e)(2)(i) require an accrediting organization to reapply for continued approval of its accreditation program every 6 years or sooner, as determined by CMS. The Joint Commission's (TJC's) current term of approval for its CAH accreditation program expires November 21, 2017.

II. Approval of Deeming Organizations

Section 1865(a)(2) of the Act and our regulations at § 488.5 require that our findings concerning review and approval of a national accrediting

organization's requirements consider, among other factors, the applying accrediting organization's requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide CMS with the necessary data for validation.

Section 1865(a)(3)(A) of the Act further requires that we publish, within 60 days of receipt of an organization's complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period. We have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

The purpose of this proposed notice is to inform the public of TJC's request for continued CMS-approval of its CAH accreditation program. This notice also solicits public comment on whether TJC's requirements meet or exceed the Medicare conditions of participation for CAHs.

III. Evaluation of Deeming Authority Request

TJC submitted all the necessary materials to enable us to make a determination concerning its request for continued approval of its CAH accreditation program. This application was determined to be complete on March 31, 2017. Under Section 1865(a)(2) of the Act and our regulations at 42 CFR 488.5 (Application and re-application procedures for national accrediting organizations), our review and evaluation of TJC will be conducted in accordance with, but not necessarily limited to, the following factors:

• The equivalency of TJC's standards for CAHs as compared with CMS' CAH conditions of participation.

• TJC's survey process to determine the following:

++ The composition of the survey team, surveyor qualifications, and the ability of the organization to provide continuing surveyor training.

++ The comparability of TJC's processes to those of State agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities.

++ TJC's processes and procedures for monitoring a CAH is out of compliance with TJC's program requirements. These monitoring procedures are used only when TJC identifies noncompliance. If noncompliance is identified through validation reviews or complaint surveys, the State survey agency monitors corrections as specified at § 488.9(c).

++ TJC's capacity to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.

++ TJC's capacity to provide CMS with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

++ The adequacy of TJC's staff and other resources, and its financial viability.

++ TJC's capacity to adequately fund required surveys.

++ TJC's policies with respect to whether surveys are announced or unannounced, to assure that surveys are unannounced.

++ TJC's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as CMS may require (including corrective action plans).

IV. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

V. Response to Public Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the ''DATES'' section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

Upon completion of our evaluation, including evaluation of comments received as a result of this notice, we will publish a final notice in the **Federal Register** announcing the result of our evaluation.

Dated: April 25, 2017.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2017–10216 Filed 5–18–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10175, CMS–10220, CMS–10471 and CMS–10495]

Agency Information Collection Activities: Submission for OMB Review; 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 (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 a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate 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 on the collection(s) of information must be received by the OMB desk officer by June 19, 2017.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR,* Email: *OIRA_submission@omb.eop.gov.*

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 Web site address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/*

PaperworkReductionActof1995/PRA-Listing.html.

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: Under the Paperwork Reduction Act of 1995 (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 (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-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 that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved information collection; *Title of Information Collection:* Certification Statement for Electronic File Interchange Organizations; *Use:* Health care providers can currently obtain a National Provider Identifier (NPI) via a paper application or over the Internet through the National Plan and Provider Enumeration System (NPPES). These applications must be submitted individually, on a per-provider basis. The Electronic File Interchange (EFI) process allows provider-designated organizations (EFIOs) to capture multiple providers' NPI application information on a single electronic file for submission to NPPES. This process is also referred to as bulk enumeration. To ensure that the EFIO has the authority to act on behalf of each provider and complies with other federal requirements, an authorized official of the EFIO must sign a certification statement and mail it to us. No comments were received during the 60-day comment period. *Form Number:* CMS–10175 (OMB Control Number: 0938–0984). *Frequency:* Occasionally. *Affected Public:* Private Sector; *Number of Respondents:* 25; *Total Annual Responses:* 25; *Total Annual Hours:* 75. (For policy questions regarding this collection contact Kimberly McPhillips at 410–786–5374.)

2. *Type of Information Collection Request:* Revision of a currently approved information collection; *Title of Information Collection:* Security Consent and Surrogate Authorization Form; *Use:* The primary function of the Medicare enrollment application is to obtain information about the Provider or supplier and whether they meet the Federal and/or State qualifications to participate in the Medicare program. In addition, the Medicare enrollment application gathers information regarding the provider or supplier's practice location, the identity of the owners of the enrolling organization, and information necessary to establish the correct claims payment.

Enrollees have the option of submitting either a CMS–855 form, or submitting information via a web based process. In establishing a web based application process, we allow providers and suppliers the ability to enroll in the Medicare program, revalidate their enrollment and make changes to their enrollment information via Internet-based Provider Enrollment, Chain and Ownership System (PECOS). Individual providers/suppliers (hereinafter referred to as ''Individual Providers'') log into Internet-based PECOS using their User IDs and passwords established when they applied on-line to the National Plan and Provider Enumeration System (NPPES) for their National Provider Identifiers (NPIs). Authorized Officials (AOs) of the provider or supplier organizations (hereinafter referred to as ''Organizational Providers'') must register for a user account and authenticate their identity and connection to the organization they represent before being able to log into Internet-based PECOS. Once authenticated, AOs for Organizational Providers, receive complete access to their enrollment information via Internet-based PECOS. Individuals and AOs of Organizational Providers are not required to submit a Security Consent and Surrogate Authorization Form to enroll, revalidate or make changes to their Medicare enrollment information.

Individual and Organizational Providers may complete their Medicare enrollment responsibilities on their own or elect to delegate this task to a Surrogate. A Surrogate is an individual or organization identified by an Individual or Organizational Provider as someone authorized to access CMS computer systems, such as Internet-based PECOS, National Provider Plan and Enumeration System (NPPES) and the Medicare and Medicaid Electronic Health Records (EHR) Incentive Program Registration and Attestation System (HITECH), on their behalf and to modify or view any information contained therein that the Individual or Organizational Provider may have permission or right to access in accordance with Medicare statutes, regulations, policies, and usage guidelines for any CMS system. Surrogates may consist of administrative staff, independent contractors, 3rd party consulting companies or credentialing departments. In order for an Individual or Organizational Provider to delegate the Medicare credentialing process to a Surrogate to access and update their enrollment information in the above mentioned CMS systems on their behalf, it is required that a Security Consent and Surrogate Authorization Form be completed, or Individual and Organizational Providers use an equivalent online process via the PECOS Identity and Access Management (I&A) system. The Security Consent and Surrogate Authorization form replicates business service agreements between Medicare providers, suppliers or both and Surrogates providing enrollment services.

The form, once signed, mailed and approved, grants a Surrogate access to all current and future enrollment data for the Individual or Organization Provider. *Form Number:* CMS–10220 (OMB Control Number: 0938–1035); *Frequency:* Occasionally; *Affected Public:* Individuals and Private Sector; *Number of Respondents:* 226,100; *Total Annual Responses:* 226,100; *Total Annual Hours:* 226,100. (For policy questions regarding this collection contact Kimberly McPhillips at 410–786–5374.)

3. *Type of Information Collection Request:* Extension of a currently approved collection of information; *Title of Information Collection:* Medicare Prior Authorization of Power Mobility Devices (PMDs) Demonstration; *Use:* The purpose of the Medicare Prior Authorization of Power Mobility Devices Demonstration (the Demonstration) is to ensure that payments for PMDs are appropriate before the claims are paid, thereby preventing the fraud, waste, and abuse in the seven states participating in the Demonstration: California, Florida, Illinois, Michigan, New York, North Carolina and Texas. Additional benefits of the Demonstration include ensuring that a beneficiary's medical condition warrants their medical equipment under existing coverage guidelines and preserving their ability to receive

quality products from accredited suppliers. In order to gather qualitative information for analysis, the evaluation team will use semi-structured interview guides that focus on the direct impact of the Demonstration on stakeholder groups. Stakeholders will be drawn from advocacy organizations, power mobility device supply companies, state and local government, and healthcare practitioners. This information collection request explains the research methodology and data collection strategies designed to minimize the burden placed on research participants, while effectively gathering the data needed for the evaluation of the Demonstration. *Form Number:* CMS–10471 (OMB Control Number: 0938–1235); *Frequency:* Yearly; *Affected Public:* Private sector (business or other for-profit and not-for-profit institutions) and State and Local Governments; *Number of Respondents:* 254; *Total Annual Responses:* 254; *Total Annual Hours:* 288. (For policy questions regarding this collection contact Debbie Skinner at 410–786–7480.)

4. *Type of Information Collection Request:* Revision of a currently approved information collection; *Title of Information Collection:* Registration, Attestation, Dispute & Resolution, Assumptions Document and Data Retention Requirements for Open Payments; *Use:* Section 6002 of the Affordable Care Act added section 1128G to the Social Security Act (Act), which requires applicable manufacturers and applicable group purchasing organizations (GPOs) of covered drugs, devices, biologicals, or medical supplies to report annually to CMS certain payments or other transfers of value to physicians and teaching hospitals, as well as, certain information regarding the ownership or investment interests held by physicians or their immediate family members in applicable manufacturers or applicable GPOs.

Specifically, applicable manufacturers of covered drugs, devices, biologicals, and medical supplies are required to submit on an annual basis the information required in section 1128G(a)(1) of the Act about certain payments or other transfers of value made to physicians and teaching hospitals (collectively called covered recipients) during the course of the preceding calendar year. Similarly, section 1128G(a)(2) of the Act requires applicable manufacturers and applicable GPOs to disclose any ownership or investment interests in such entities held by physicians or their immediate family members, as well as information on any payments or other transfers of value provided to such physician owners or investors. Applicable manufacturers must report the required payment and other transfer of value information annually to CMS in an electronic format. The statute also provides that applicable manufacturers and applicable GPOs must report annually to CMS the required information about physician ownership and investment interests, including information on any payments or other transfers of value provided to physician owners or investors, in an electronic format by the same date. Applicable manufacturers and applicable GPOs are subject to civil monetary penalties (CMPs) for failing to comply with the reporting requirements of the statute. We are required by statute to publish the reported data on a public Web site. The data must be downloadable, easily searchable, and aggregated. In addition, we must submit annual reports to the Congress and each state summarizing the data reported. Finally, section 1128G of the Act generally preempts state laws that require disclosure of the same type of information by manufacturers. *Form Number:* CMS–10495 (OMB Control Number: 0938–1237); *Frequency:* Once; *Affected Public:* Private sector—Business or other for-profits; *Number of Respondents:* 227,157; *Total Annual Responses:* 457,454; *Total Annual Hours:* 3,099,297. (For policy questions regarding this collection contact Veronika Peleshchuk Fradlin at 410–786–3323.)

Dated: May 16, 2017.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–10225 Filed 5–18–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10371 and CMS–10507]

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 July 18, 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 *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

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: Reports Clearance Office at (410) 786–1326.

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–10371 Cooperative Agreements To Support Establishment of State-Operated Health Insurance Exchanges

CMS–10507 State-Based Marketplace Annual Reporting Tool (SMART)

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:* Revision of an existing information collection requirement; *Title of Information Collection:* Cooperative Agreements to Support Establishment of State-Operated Health Insurance Exchanges; *Use:* All States (including the 50 States, consortia of States, and the District of Columbia herein referred to as States) had the opportunity under Section 1311(b) of the Affordable Care to apply for three types of grants: (1) Planning grants; (2) Early Innovator grants for early development of information technology; and (3) Establishment grants to develop, implement and start-up Marketplaces. As of January 1st, 2017, the Secretary has disbursed over $5.4 billion under this grant program and, as of that date, there were 19 active establishment grants awarded to 12 states. As the State-Based Marketplaces (SBM) and Small Business Health Options Program (SHOP) have matured and moved from the developmental phases to full-operation, the reporting requirements for the states have been modified and streamlined to insure only information necessary to provide effective oversight of their operations by CMS is collected.

Given the innovative nature of Exchanges and the statutorily-prescribed relationship between the Secretary and States in their development and operation, it is critical that the Secretary work closely with States to provide necessary guidance and technical assistance to ensure that States can meet the prescribed timelines, federal requirements, and goals of the statute and the grants awarded to them. *Form Number:* CMS–10371 (OMB Control Number: 0938–1119); *Frequency:* Once; *Affected Public:* State Government agencies, non-profit entities; *Number of Respondents:* 17; *Number of Responses:* 37; *Total Annual Hours:* 12,328. (For policy questions regarding this collection, contact Nickom Sukachevin at (301) 492–4400.)

2. *Type of Information Collection Request:* Extension of a currently approved information collection; *Title of Information Collection:* State-based Marketplace Annual Reporting Tool (SMART); *Use:* The annual report is the primary vehicle to insure comprehensive compliance with all reporting requirements contained in the Affordable Care Act (ACA). It is specifically called for in Section 1313(a)(1) of the Act which requires an SBM to keep an accurate accounting of all activities, receipts, and expenditures, and to submit a report annually to the Secretary concerning such accounting. CMS will use the information collected from States to assist in determining if a State is maintaining a compliant operational Exchange. *Form Number:* CMS–10507 (OMB Control Number: 0938–1244); *Frequency:* Annually; *Affected Public:* State, Local, or Tribal governments; *Number of Respondents:* 17; *Number of Responses:* 17; *Total Annual Hours:* 1,173. (For policy questions regarding this collection, contact Christy Woods at 301–492–4453.)

Dated: May 16, 2017.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–10227 Filed 5–18–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Tribal Maternal, Infant, and Early Childhood Home Visiting Program Performance Reporting Form 2

OMB No.: New Collection

Description: Social Security Act, Title V, Section 511 (42 U.S.C. 711), as amended by the Medicare Access and Children's Health Insurance Program (CHIP) Reauthorization Act of 2015 (Public Law (Pub. L.) 114–10) created the Maternal, Infant, and Early Childhood Home Visiting Program (MIECHV) and authorized the Secretary of HHS (in Section 511(h)(2)(A)) to award grants to Indian tribes (or a consortium of Indian tribes), tribal organizations, or urban Indian organizations to conduct an early childhood home visiting program, through 3 percent of the total MIECHV program appropriation (authorized in Section 511(j)) for grants to tribal entities. The implementation of the program is a collaborative endeavor between Health Resources Services Administration (HRSA) and the Administration for Children and Families (ACF). HRSA administers the State MIECHV program while ACF administers the Tribal MIECHV program. The goal of the Tribal MIECHV program is to support the development of happy, healthy, and successful American Indian and Alaska Native (AIAN) children and families through a coordinated home visiting system. Tribal MIECHV grants, to the greatest extent practicable, are to be consistent with the requirements of the MIECHV grants to states and jurisdictions (authorized in Section 511(c)), and include conducting a needs assessment and establishing quantifiable, measurable benchmarks. Specifically, the MIECHV legislation requires State and Tribal MIECHV grantees to collect data to measure improvements for eligible families in six specified areas (referred to as ''benchmark areas'') that encompass the major goals for the program and are listed below:

1. Improved maternal and newborn health
2. Prevention of child injuries, child abuse, neglect, or maltreatment, and reduction in emergency department visits
3. Improvement in school readiness and achievement

4. Reduction in crime or domestic violence
5. Improvement in family economic self-sufficiency
6. Improvement in the coordination and referrals for other community resources and supports

As part of their implementation plans, Tribal MIECHV grantees are required to propose a plan for meeting the benchmark requirements specified in the legislation and must report data annually to HHS, with improvement assessed at the end of Year 4 and Year 5 of their 5-year grants, (*i.e.* after 3 years of implementation and at the end of their 5-year grant).

The Tribal HV Form 2 will be used by Tribal MIECHV grantees to begin collecting performance data in October 2017 (pending approval of their benchmark plans) and then reporting performance data starting in October 2018, pending OMB approval. The Tribal HV Form 2 is new to the MIECHV Program information system and is remotely similar to the currently-approved Tribal HV Form 3 (OMB #0915–0357). The creation of Tribal HV Form 2 is due to the added level of specificity and revised performance reporting requirements for grantees to report benchmarks data.

Specifically, ACF will use the proposed Tribal HV Form 2 to:

- Track and improve the quality of benchmark measure data submitted by the Tribal MIECHV grantees;
- Improve program monitoring and oversight; and
- Ensure adequate and timely reporting of program data to relevant federal agencies and stakeholders including the Congress, and members of the public.

Tribal HV Form 2 will provide a template for Tribal MIECHV grantees to report data on their progress under the six benchmark areas. Overall, this information collection will provide valuable information to HHS that will guide understanding of Tribal MIECHV grantees and the provision of technical assistance.

Respondents: Tribal Maternal, Infant, and Early Childhood Home Visiting Program Grantees

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Tribal Maternal, Infant, and Early Childhood Home Visiting Performance Reporting Form	20	1	500	10,000

Estimated Total Annual Burden Hours: 10,000.

ADDITIONAL INFORMATION: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@acf.hhs.gov.*

OMB COMMENT: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Mary Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2017–10226 Filed 5–18–17; 8:45 am]

BILLING CODE 4184–77–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects:

Title: Head Start Program Information Report.

OMB No.: 0970–0427.

Description: The Office of Head Start within the Administration for Children and Families, United States Department of Health and Human Services, is proposing to renew, without changes, authority to collect information using the Head Start Program Information Report, monthly enrollments, contacts, locations, and reportable conditions. All information is collected electronically through the Head Start Enterprise System (HSES). The PIR provides information about Head Start and Early Head Start services received by the children and families enrolled in Head Start programs. The information collected in the PIR is used to inform the public about these programs, to make periodic reports to Congress about the status of children in Head Start programs as required by the Head Start Act, and to assist the administration and training/technical assistance of Head Start programs.

Respondents: Head Start and Early Head Start program grant recipients.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Head Start Program Information Report	3,267	1	4	13,068
Grantee Monthly Enrollment Reporting	2,049	12	0.05	1,229
Contacts, Locations & Reportable Conditions	3,267	1	0.25	817

Estimated Total Annual Burden Hours: 15,114.

In compliance with the requirements of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chap 35), the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201. Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2017–10150 Filed 5–18–17; 8:45 am]

BILLING CODE 4184–40–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Community Services Block Grant (CSBG) Model State Plan (Revision).

OMB No.: 0970–0382.

Description: Section 676 of the Community Services Block Grant (CSBG) Act requires States, including the District of Columbia and the Commonwealth of Puerto Rico, and U.S. territories applying for CSBG funds to submit an application and plan (Model State Plan). The CSBG State Plan submitted by States must meet statutory requirements prior to being funded with CSBG funds. Applicants have the option to submit a detailed plan annually or biannually. Entities that submit a biannual plan must provide an abbreviated plan the following year if substantial changes to the initial plan will occur.

In 2015, the Model State Plan was substantially revised by automating the form, streamlining the information, and incorporating accountability measures that include customer satisfaction information from eligible entities that receive a proportional share of CSBG funding through State CSBG lead agencies along with technical assistance, monitoring, and other programmatic support.

In fall 2015, the Office of Community Services (OCS) used the American Customer Satisfaction Index (ACSI) to obtain feedback from CSBG eligible entities about services provided by the state CSBG Lead Agencies, as detailed in the new State Accountability Measures. OCS also obtained feedback from state CSBG Lead Agencies on services provided by the federal agency, as outlined in the new Federal Accountability Measures. Both OCS and state CSBG Directors received their state survey results in February 2016.

To support ongoing implementation of state accountability measures related to customer satisfaction from eligible entities, OCS plans to survey eligible entities using the ACSI survey instrument. No changes are planned from the content of the 2015 survey.

Respondents: CSBG eligible entities.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACSI CSBG Eligible Entity Survey	1035	1	.5	517.5

Estimated Total Annual Burden Hours: 517.5.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201. Attention Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2017–10209 Filed 5–18–17; 8:45 am]

BILLING CODE 4184–27–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request: Application Process for Clinical Research Training and Medical Education at the NIH Clinical Center and Its Impact on Course and Training Program Enrollment and Effectiveness (Clinical Center)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information

collection listed below. This proposed information collection was previously published in the **Federal Register** on March 9, 2017, and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: Desk Officer for NIH.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Dr. Robert M. Lembo, Deputy Director, Office of Clinical Research Training and Medical Education, NIH Clinical Center, Building 10, Room 1N252, MSC–1158, Bethesda, Maryland, 20892 or call non-toll-free number (301) 594–4193 or Email your request, including your address to: *Robert.Lembo@nih.gov.*

SUPPLEMENTARY INFORMATION: The NIH Clinical Center (CC), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection: Application Process for Clinical Research Training and Medical Education at the NIH Clinical Center, Revision OMB #0925–0698, Expiration date May 31, 2017, National Institutes of Health Clinical Center (CC), National Institutes of Health (NIH).

Need and Use of Information Collection: The primary objective of the application process is to allow the Office of Clinical Research Training and Medical Education (OCRTME) at the NIH Clinical Center to evaluate applicants' qualifications to determine applicants' eligibility for courses and training programs managed by the Office. Applicants must provide the required information requested in the respective applications to be considered a candidate for participation. Information submitted by candidates for training programs is reviewed initially by OCRTME administrative staff to establish eligibility for participation. Eligible candidates are then referred to the designated training program director/administrator or training program selection committee for review and decisions regarding acceptance for participation. A secondary objective of the application process is to track enrollment in courses and training programs over time.

OMB approval is requested for 3 years. There is no cost to respondents other than their time. There are capital, operating, and/or maintenance costs of $64,448. The total estimated annualized burden hours are 4,148.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents per year	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Pre-Doctoral (MD, DDS, DVM, PhD) Students, Post-Doctoral Students, Physicians/Surgeons, Other Health Care Practitioners/Technicians.	MRSP	140	1	20/60	47
	IPPCR	6700	1	20/60	2233
	NIH-Duke	16	1	20/60	5
	PCP	800	1	20/60	267
	PhD Summer Course	70	1	20/60	23
	Sabbatical	10	1	20/60	3
Pre-Doctoral (MD, DDS, DVM, PhD) Students, Post-Doctoral Students, Physicians/Surgeons, Other Health Care Practitioners/Technicians.	GME	2500	1	20/60	833
	CEP	300	1	20/60	100
	REP	90	1	20/60	30
	Bioethics	262	1	20/60	87
	Clinical Research Course	1560	1	20/60	520
Totals		12,448			4148

Dated: May 9, 2017.

Laura M. Lee,

Project Clearance Liaison, NIH Clinical Center, National Institutes of Health.

[FR Doc. 2017–10205 Filed 5–18–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive Patent License: Chimeric L1/L2 Protein and Virus-Like Particles Based Human Papillomavirus Vaccines

AGENCY: National Institutes of Health, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an exclusive patent license to practice the inventions embodied in the U.S. Patents and Patent Applications listed in the Supplementary Information section of this notice to PathoVax, LLC located in Baltimore, MD.

DATES: Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before June 5, 2017 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, and comments relating to the contemplated exclusive license should be directed to: Kevin W. Chang, Ph.D., Senior Technology Transfer Manager, NCI Technology Transfer Center, 9609 Medical Center Drive, RM 1E530 MSC 9702, Bethesda, MD 20892–9702 (for business mail), Rockville, MD 20850–9702 Telephone: (240)-276–6910; Facsimile: (240)-276–5504 Email: *changke@mail.nih.gov.*

SUPPLEMENTARY INFORMATION:

Intellectual Property

United States Provisional Patent Application No. 60/649,249 filed February 1, 2005 and entitled, ''Papillomavirus L2 N-terminal Peptides For The Induction Of Broadly Cross-neutralizing Antibodies'' [HHS Reference No. E–103–2005/0–US–01]; United States Provisional Patent Application No. 60/697,655 filed July 7, 2005 and entitled, ''Papillomavirus L2 N-terminal Peptides For The Induction Of Broadly Cross-neutralizing Antibodies'' [HHS Reference No. E–103–2005/1–US–01]; United States Provisional Patent Application No. 60/752,268 filed December 21, 2005 and entitled, ''Papillomavirus L2 N-terminal Peptides For The Induction Of Broadly Cross-neutralizing Antibodies'' [HHS Reference No. E–103–2005/2–US–01]; International PCT Application No. PCT/US2006/003601 filed February 1, 2006, and entitled, ''Papillomavirus L2 N-terminal Peptides For The Induction Of Broadly Cross-neutralizing Antibodies'' [HHS Reference No. E–103–2005/3–PCT–01]; United States Patent No. 8,404,244, issued March 26, 2013 and entitled, ''Papillomavirus L2 N-terminal Peptides For The Induction Of Broadly Cross-neutralizing Antibodies'' [HHS Ref. No. E–103–2005/3–US–02]; United States Patent No. 9,388,221 issued July 12, 2016 and entitled, ''Papillomavirus L2 N-terminal Peptides For The Induction Of Broadly Cross-neutralizing Antibodies'' [HHS Ref. No. E–103–2005/3–US–10]; Canadian Patent Application No. 2,596,698 filed February 1, 2006 and entitled, ''Papillomavirus L2 N-terminal Peptides For The Induction Of Broadly Cross-neutralizing Antibodies'' [HHS Ref. No. E–103–2005/3–CA–03]; Australian Patent No. 2006210792 issued November 8, 2012 and entitled, ''Papillomavirus L2 N-terminal Peptides For The Induction Of Broadly Cross-neutralizing Antibodies'' [HHS Ref. No. E–103–2005/3–AU–04]; Japanese Patent No. 5224821 issued March 22, 2013 and entitled, ''Papillomavirus L2 N-terminal Peptides For The Induction Of Broadly Cross-neutralizing Antibodies'' [HHS Ref. No. E–103–2005/3–JP–05]; Brazilian Patent Application No. PI0607097–3 filed February 1, 2006 and entitled, ''Papillomavirus L2 N-terminal Peptides For The Induction Of Broadly Cross-neutralizing Antibodies'' [HHS Ref. No. E–103–2005/3–BR–06]; Chinese Patent No. 200680011079.1 issued March 27, 2013 and entitled, ''Papillomavirus L2 N-terminal Peptides For The Induction Of Broadly Cross-neutralizing Antibodies'' [HHS Ref. No. E–103–2005/3–CN–07]; Indian Patent No. 263255 issued October 16, 2014 and entitled, ''Papillomavirus L2 N-terminal Peptides For The Induction Of Broadly Cross-neutralizing Antibodies'' [HHS Ref. No. E–103–2005/3–IN–08]; European Patent No. 1853307 issued December 14, 2016 and entitled, ''Papillomavirus L2 N-terminal Peptides For The Induction Of Broadly Cross-neutralizing Antibodies'' [HHS Ref. No. E–103–2005/3–EP–09]; German Patent No. 1853307 issued December 14, 2016 and entitled, ''Papillomavirus L2 N-terminal Peptides For The Induction Of Broadly Cross-neutralizing Antibodies'' [HHS Ref. No. E–103–2005/3–DE–11]; French Patent No. 1853307 issued December 14, 2016 and entitled, ''Papillomavirus L2 N-terminal Peptides For The Induction Of Broadly Cross-neutralizing Antibodies'' [HHS Ref. No. E–103–2005/3–FR–12]; and United Kingdom Patent No. 1853307 issued December 14, 2016 and entitled, ''Papillomavirus L2 N-terminal Peptides For The Induction Of Broadly Cross-neutralizing Antibodies'' [HHS Ref. No. E–103–2005/3–GB–13]. The patent rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be worldwide and the field of use may be limited to the use of Licensed Patent Rights for the following: ''Use of Human Papillomavirus Virus (HPV) L1/L2 chimeric proteins and Virus Like Particles (VLPs) for the prevention and/or treatment of cutaneous, mucosal HPV infections and diseases.''

The subject technologies are papillomavirus L2 capsid protein based vaccines against HPV. The L2 protein is the minor papillomavirus capsid protein for papillomaviruses. It is known that antibodies to this protein can neutralize homologous infection. Furthermore, L2 proteins can induce cross-neutralizing antibodies. Specifically, epitopes at the N-terminus of L2 shared by cutaneous and mucosal types of papillomavirus types and by types that infect divergent species are broadly cross-neutralizing. These epitopes at the N-terminus of L2 can be used to elicit cross-neutralizing antibodies against different types of HPV.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

Complete applications for a license in the prospective field of use that are filed in response to this notice will be treated as objections to the grant of the contemplated Exclusive Patent License Agreement. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the *Freedom of Information Act,* 5 U.S.C. 552.

Dated: May 11, 2017.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2017–10153 Filed 5–18–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; NIAAA Fellowship Review.

Date: July 21, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, Terrace Level Conference Room, 5635 Fishers Lane, Bethesda, M.D 20892

Contact Person: Richard A. Rippe, Ph.D., Scientific Review Officer , Extramural Project Review Branch, Office of Extramural Activities, National Institute on Alcohol Abuse and Alcoholism, 5635 Fishers Lane, Room 2109, Rockville, MD 20852, 301–443–8599, *rippera@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: May 15, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–10113 Filed 5–18–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive Patent License: The Development of Monospecific and Bispecific Antibodies to GPC3 for the Treatment of Human Liver Cancers

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute, National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to AbPro, located in Woburn, Massachusetts, to practice the inventions embodied in the patent applications listed in the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: Only written comments and/or applications for a license which are received by the NCI Technology Transfer Center on or before June 5, 2017 will be considered.

ADDRESSES: Requests for copies of the patent applications, inquiries, and comments relating to the contemplated Exclusive Patent License should be directed to: David A. Lambertson, Ph.D., Senior Licensing and Patenting Manager, NCI Technology Transfer Center, 9609 Medical Center Drive, RM 1E530 MSC 9702, Bethesda, MD 20892–9702 (for business mail), Rockville, MD 20850–9702, Telephone: (240)–276–6467; Email: *david.lambertson@nih.gov.*

SUPPLEMENTARY INFORMATION: The following represents the intellectual property to be licensed under the prospective agreement: U.S. Provisional Patent Application 61/654,232 entitled ''High-affinity Monoclonal Antibodies To Glypican-3 And Use Thereof'' [HHS Ref. E–136–2012/0–US–01], PCT Patent Application PCT/US2013/043633 entitled ''High-affinity Monoclonal Antibodies To Glypican-3 And Use Thereof'' [HHS Ref. E–136–2012/0–PCT–02], Chinese Patent Application 201380039993.7 entitled ''High-affinity Monoclonal Antibodies To Glypican-3 And Use Thereof'' [HHS Ref. E–136–2012/0–CN–03], Japanese Patent Application 2015–515243 entitled ''High-affinity Monoclonal Antibodies To Glypican-3 And Use Thereof'' [HHS Ref. E–136–2012/0–JP–04], South Korean Patent Application 10–2014–7037046 entitled ''High-affinity Monoclonal Antibodies To Glypican-3 And Use Thereof'' [HHS Ref. E–136–2012/0–KR–05], Singapore Patent Application 11201407972R entitled ''High-affinity Monoclonal Antibodies To Glypican-3 And Use Thereof'' [HHS Ref. E–136–2012/0–SG–06], and United States Patent 9,409,994 entitled ''High-affinity Monoclonal Antibodies To Glypican-3 And Use Thereof'' [HHS Ref. E–136–2012/0–US–07], and all continuing U.S. and foreign patents/patent applications for the technology family, to AbPro. The patent rights in these inventions have been assigned to and/or exclusively licensed to the Government of the United States of America.

With respect to persons who have an obligation to assign their right, title and interest to the Government of the United States of America, the patent rights in these inventions have been assigned to the Government of the United States of America.

The prospective Exclusive Patent License territory may be worldwide for the following field of use:

> The use of the YP7, YP8 and YP9.1 anti-GPC3 monoclonal antibodies as monospecific or bispecific antibodies for the treatment of liver cancer. The licensed field of use excludes any non-specified immunoconjugates, including, but not limited to, chimeric antigen receptors (CARs) and variants thereof, Immunotoxins, and antibody-drug conjugates (ADCs).

The present inventions to be licensed concern monoclonal antibodies that are specific for the cell surface domain of GPC3: YP6, YP7, YP8, YP9 and YP9.1. These antibodies can potentially be used for the treatment of GPC3-expressing cancers such as HCC. By binding to and blocking GPC3 function, these antibodies can inhibit the growth of HCC cells, thereby decreasing the ability of tumors to grow and metastasize. Alternatively, the antibodies can be used to induce antibody-dependent anti-tumor activity by selectively killing cells which overexpress GPC3 while leaving healthy, normal cells unscathed. Finally, a secondary antibody capable of recruiting T cells to the tumor can be attached to the antibodies, thereby allowing for the localization of T cells or NK cells only to those cells which express GPC3, similarly leading to the selective killing of the cancer cells.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective Exclusive Patent License will be royalty bearing and may be granted unless within fifteen (15) days from the date of this published notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

Complete applications for a license in the prospective field of use that are timely filed in response to this notice will be treated as objections to the grant of the contemplated Exclusive Patent License. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the *Freedom of Information Act,* 5 U.S.C. 552.

Dated: May 11, 2017.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2017–10154 Filed 5–18–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: Manufacturing and Testing of PVSRIPO in the Treatment of Solid, Non-lymphoid Tumors Expressing Poliovirus Receptor CD155

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Commercialization Patent License to practice the inventions embodied in the Patents and Patent Applications listed in the Supplementary Information section of this notice to Istari Oncology Incorporated located in North Carolina, U.S.A.

DATES: Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before June 5, 2017 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, and comments relating to the contemplated Exclusive Commercialization Patent License should be directed to: Lauren Nguyen-Antczak, Ph.D., J.D., Senior Licensing and Patenting Manager, NCI Technology Transfer Center, 9609 Medical Center Drive, RM 1E530 MSC 9702, Bethesda, MD 20892–9702 (for business mail), Rockville, MD 20850–9702, Telephone: (240) 276–5530; Facsimile: (240) 276–5504, Email: *lauren.nguyen-antczak@nih.gov.*

SUPPLEMENTARY INFORMATION:

Intellectual Property

United States Provisional Patent Application No. 62/173,777, filed June 10, 2015 and entitled ''Processes for Production and Purification of Nucleic Acid Containing Compositions'' [HHS Reference No. E–267–2014/0–US–01];

PCT Patent Application PCT/US2016/036888, filed E–267–2014/0–PCT–02 and entitled ''Processes for Production and Purification of Nucleic Acid Containing Compositions'' [HHS Reference No. E–267–2014/0–PCT–02];

United States Provisional Patent Application No. 62/199,663, filed July 31, 2015 and entitled ''Methods of Analyzing Virus-Derived Therapeutics'' [HHS Reference No. E–240–2015/0–US–01];

PCT Patent Application PCT/US2016/044788, filed July 29, 2016 and entitled ''Methods of Analyzing Virus-Derived Therapeutics'' [HHS Reference No. E–240–2015/1–PCT–01]; and U.S. and foreign patent applications claiming priority to the aforementioned applications.

The patent rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be worldwide and the field of use may be limited to the use of Licensed Patent Rights for the following: ''Manufacturing and Testing of PVSRIPO in the Treatment of Solid, Non-lymphoid Tumors expressing Poliovirus Receptor CD155, wherein PVSRIPO is genetically recombinant, non-pathogenic poliovirus:rhinovirus chimera that consists of the genome of the live attenuated poliovirus serotype 1 (SABIN) vaccine (PV1S) with its cognate IRES element replaced with that of HRV2.''

The E–267–2014 technology discloses improved methods for large scale production of highly purified, therapeutic grade, oncolytic polioviruses. Invention processes provide industrial scale, and cGMP compliant manufacturing of PVSRIPO. The E–240–2015 technology discloses improved methods for detecting genetic micro-heterogeneity in manufactured batches of RNA virus-derived therapeutics, such as PVSRIPO.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

Complete applications for a license in the prospective field of use that are filed in response to this notice will be treated as objections to the grant of the contemplated Exclusive Commercialization Patent License Agreement. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the *Freedom of Information Act,* 5 U.S.C. 552.

Dated: May 12, 2017.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2017–10155 Filed 5–18–17; 8:45 am]

BILLING CODE 4140–01–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 invention listed below is owned by an agency of the U.S. Government and is 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: Dr. Dianca Finch, 240–669–5503; *dianca.finch@nih.gov.* Licensing information and copies of the patent applications listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD, 20852; tel. 301–496–2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished patent applications.

SUPPLEMENTARY INFORMATION: Technology description follows.

Products for Treatment and Prevention of Ebola Zaire Disease

Description of Technology

Scientists at the NIAID Vaccine Research Center have developed human

monoclonal neutralizing antibodies for treatment and prevention of Ebola Zaire disease. The monoclonal antibodies (mAbs) bind to different regions of the Ebola glycoprotein that are unique for these two mAbs. Alone or in combination, the mAbs prevent or reverse Ebola Zaire virus disease in non-human primates. Nonclinical studies have demonstrated complete protection against disease with a single antibody and complete protection against viremia by addition of a second antibody. The current nonclinical pharmacology demonstrates a favorable pharmacokinetic profile and there is a first-in-time human clinical trial projected for 2017. The anticipated indications for this technology include pre-and post-symptomatic treatment, and pre-and post-exposure prophylaxis.

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

- Therapeutics
- Diagnostics

Competitive Advantages

- Favorable pharmacokinetic profile
- Favorable manufacturing
- Complete protection against disease with a single unique mAb
- Complete protection with fewer administrations and/or lower doses than any other mAb
- Complete protection against viremia with two antibodies

Development Stage

- In vivo data available (animal)
- Entering first-in-time human clinical trial (2017)

Inventors: Nancy J. Sullivan (NIAID); Barney S. Graham (NIAID); Julie Ledgerwood (NIAID); Daphne A. Stanley (NIAID); Antonio Lanzavecchia (IRB) Davide Corti (IRB); John Trefry (USAMRIID/WR)

Publications

Corti D, et al., Protective monotherapy against lethal Ebola virus infection by a potently neutralizing antibody. Science. 2016 Mar 18;351:1339–42. [PMID: 26917593]

Misasi J, et al., Structural and molecular basis for Ebola virus neutralization by protective human antibodies. Science. 2016 Mar 18;3511343–6. [PMID: 26917592].

Intellectual Property

HHS Reference No. E–045–2015—U.S. Provisional Application No. 62/087,087, filed December 3, 2014; PCT Application No. PCT/US2015/060733, filed November 13, 2015 HHS Reference No. E–278–2016- U.S. Provisional Application No.62,080,094, filed November 14, 2014; PCT Application No. PCT/IB2015/002342, filed November 13, 2015

Licensing Contact: Dr. Dianca Finch, 240–669–5503; *dianca.finch@nih.gov.*

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize products for treatment and prevention of Ebola Zaire disease. For collaboration opportunities, please contact Dr. Dianca Finch, 240–669–5503; *dianca.finch@nih.gov.*

Dated: May 9, 2017.

Suzanne Frisbie,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2017–10156 Filed 5–18–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Issuance of Final Determination Concerning a Certain Visitor Management System

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (''CBP'') has issued a final determination concerning the country of origin of a certain visitor management system known as the Raptor Basic System. Based upon the facts presented for purposes of U.S. Government procurement, CBP has concluded that China is the country of origin of the identification scanner and printer components of the Raptor Basic System, that the United States is the country of origin of the label component of the Raptor Basic System, and that Taiwan is the country of origin of the barcode scanner that is compatible with the Raptor Basic System.

DATES: The final determination was issued on May 08, 2017. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within June 19, 2017.

FOR FURTHER INFORMATION CONTACT: Robert Dinerstein, Valuation and Special Programs Branch, Regulations and Rulings, Office of Trade, at (202) 325–0132.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on May 08, 2017, pursuant to subpart B of Part 177, U.S. Customs and Border Protection Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of a certain visitor management system known as the Raptor Basic System, which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, HQ H277116, was issued under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). In the final determination, CBP concluded that the identification scanner and printer components of the Raptor Basic System were not substantially transformed in the United States, and thus remain products of China. Additionally, CBP concluded that the label component of the Raptor Basic System was a product of the United States and that the barcode scanner that is compatible with the Raptor Basic System was a product of Taiwan. Therefore, for purposes of U.S. Government procurement, China is the country of origin of the identification scanner and printer components of the Raptor Basic System, the United States is the country of origin of the label component of the Raptor Basic System, and Taiwan is the country of origin of the barcode scanner that is compatible with the Raptor Basic System.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that a notice of final determination shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: May 08, 2017.

Alice A. Kipel,

Executive Director, Regulations and Rulings, Office of Trade.

HQ H277116

May 08, 2017

OT:RR:CTF:VS H277116 AJR

Ms. Heather Mims
Centre Law and Consulting LLC
8330 Boone Boulevard, Suite 300

Tysons, VA 22182

RE: U.S. Government Procurement; Country of Origin of a Visitor Management System

Dear Ms. Mims:

This is in response to your letter, dated June 15, 2016, requesting a final determination on behalf of Raptor Technologies, LLC (''Raptor''), pursuant to subpart B of Part 177 of the U.S. Customs and Border Protection (''CBP'') Regulations (19 C.F.R. Part 177). Under these regulations, which implement Title III of the Trade Agreements Act of 1979 (''TAA''), as amended (19 U.S.C. § 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain ''Buy American'' restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of the Raptor Basic System (''RBS''). We note that Raptor is a party-at-interest within the meaning of 19 C.F.R. § 177.22(d)(1) and is entitled to request this final determination.

FACTS:

Raptor provides security and safety products to schools across the United States, and plans to sell its RBS product to the U.S. Government. The RBS is a visitor management system that is typically installed in elementary schools and used as a screening tool. The RBS is comprised of a scanner, a printer, the Raptor software, and labels. Installation of the RBS requires the use of a customer provided computer, where the software is installed. Once the RBS is installed and ready for use, users are able to scan the identification cards of individuals visiting the school in order to obtain personal/public information pertaining to the visitor. Based on the information received, the user prints out a color coded visitor tag which signifies the access or identity type of the visiting person.

Specifically, the RBS consists of the Raptor software, one roll of Blanco labels, one Acuant Duplex ID scanner (''ID scanner''), and one Dymo printer. Along with the cost for these items, the software updates, database set-up, and shipping fee are integrated into the RBS price. Additional ID scanners, printers, and labels can be purchased for use with the RBS, along with barcode scanners that are also compatible with the system. According to Raptor, the RBS and its compatible products are produced for sale in the United States as follows:

(1) **Raptor Software:** Raptor developed the software for the RBS in the United States. Additionally, Raptor's engineers write the source code for the software in the United States, and Raptor will install the software to customer specifications onto the RBS in the United States. The software is a critical component because it controls the entire system enabling it to manage, report, send, alert, and track all visitors entering public or private premises, along with notifying the Raptor technical support team about any potential issues. The software connects and communicates with the printers, scanners, and customer-provided computers within the system. The software accounts for 30 percent of the RBS price. Additionally, the software makes the RBS operational by automatically updating and permitting access to various databases, including the RBS database, which is also located in the United States. Raptor spends approximately two hours setting up the database, and training its customers how to use the system, which accounts for 21.86 percent of the RBS price. Together the cost of the software, database set-up, and training for the RBS system account for 51.86 percent of the RBS price.

(2) **Blanco Labels:** Blanco, Inc. develops and manufactures the labels in the United States, and the labels are printed with the Raptor logo in the United States. The RBS only uses these labels for the temporary badges and passes that it prints. The labels account for 6.25 percent of the RBS price.

(3) **Acuant Duplex ID Scanner:** The ID scanner consists of a hardware component made in China and a software component developed by Acuant (''Acuant software'') in the United States. The Acuant software is loaded onto the hardware component in the United States, and permits the ID scanner to communicate with the Raptor software. Raptor states that without the Raptor software, the ID scanner would not be an integral part of the RBS. The ID scanner accounts for 30.93 percent of the RBS price.

(4) **Dymo Printer:** Dymo designs and engineers the printer in the United States and manufactures the printer in China. The printer communicates with the Raptor software, and Raptor states that without this software, the printer would not print the specific visitor badges or passes. The printer accounts for 8.68 percent of the RBS price.

(5) **Barcode Scanner:** The barcode scanner is not required for the RBS, but is compatible with the system. Scan Technology Inc. manufactures the barcode scanner in Taiwan with parts that are also from Taiwan. The barcode scanners are also inspected and tested in Taiwan before they are shipped to the United States. While the barcode scanners are not part of the RBS, and will not be included within the RBS price, the purchase price for one barcode scanner comes to approximately 10 percent of the RBS price.

The final assembly of the RBS occurs in the United States. According to Raptor, this process is complex and uses skilled technicians to complete it. This assembly takes approximately one hour per system and sometimes there are several systems installed in one school. The final testing of the RBS printers, scanners, and software also occurs in the United States. According to Raptor, it takes approximately one hour to test a system with a skilled technician, but some locations require testing multiple systems. Additionally, Raptor technicians train the users on how to use the system in the United States, and this training takes approximately one hour.

ISSUE:

What is the country of origin of the RBS for purposes of U.S. Government procurement?

LAW AND ANALYSIS:

Pursuant to subpart B of Part 177, 19 C.F.R. § 177.21 *et seq.,* which implements Title III of the TAA, as amended (19 U.S.C. § 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain ''Buy American'' restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

Under the rule of origin set forth under 19 U.S.C. § 2518(4)(B):

> An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also 19 C.F.R. § 177.22(a).

In order to determine whether a substantial transformation occurs when the components of various origins are assembled to form completed articles, CBP considers the totality of the circumstances and makes decisions on a

case-by-case basis. The country of origin of the article's components, the extent of the processing that occurs within a given country, and whether such processing renders a product with a new name, character, and use are primary considerations in such cases. Here, the determination will be a ''mixed question of technology and customs law, mostly the latter.'' *Texas Instruments v. United States*, 681 F.2d 778, 782 (CCPA 1982).

In this case, Raptor acquires scanners and printers that were manufactured outside of the United States and installs onto them the Raptor software that was developed in the United States. The installation of the Raptor software takes place in the United States, and Raptor further customizes these devices with the software for each of its customers in the United States, as well as trains its customers on how to use the system. This package of hardware components, software components, and services are integrated together by Raptor as the RBS, which is the product being sold to the U.S. Government.

Raptor believes that the country of origin of the RBS is the United States reasoning that the printers, scanners, labels, and software are substantially transformed into the RBS in the United States by installing critical software in the United States. Raptor also believes that the software, ID scanner, printer, and label components of the RBS are individually products of the United States, and that the RBS-compatible Barcode scanner is a product of Taiwan.

With regard to the Raptor software, Raptor argues that software is substantially transformed into a new article of commerce where the software build takes place, citing to HRL H268858, dated February 12, 2016.[1] However, while HRL H268858 took into account the development of the software as a factor in substantial transformation, it did not state that the intangible software itself was a product of a particular origin. Rather, it decided that the intangible software, partially developed in the United States, and tangible U.S.-origin blank discs, when combined by loading the software onto the discs, resulted in one product of the United States.

Unlike HRL H268858, where CBP determined the country of origin of a tangible product, here we have no indication that the Raptor software by itself is a tangible product prior to its integration with the scanners and printers of the RBS. In rendering final determinations for purposes of U.S. Government procurement, CBP recognizes that the Federal Acquisition Regulation (''FAR'') restricts the U.S. Government's purchase of products to U.S.-made or designated country end products for acquisitions subject to the TAA, which excludes automatic data processing (''ADP'') telecommunications and transmission services, and related services. *See* 19 C.F.R. § 177.21; and, subpart 25.4, FAR (48 C.F.R. Subpart 25.4). *See also* General Note 3(e), Harmonized Tariff Schedule of the United States (''HTSUS'') (stating that that telecommunication transmissions are not goods subject to the provisions of the tariff schedule, and as such would not require a country of origin marking). To the extent the Raptor software is an intangible product developed in the United States and transmitted via intangible signals, the Raptor software, by itself, is not subject to the country of origin determinations issued by CBP for purposes of U.S. Government procurement.

However, the ID scanner and printer, which are tangible products imported into the United States are subject to the country of origin determination issued by CBP. In this regard, CBP may look at the process of loading U.S.-developed software onto these products in the United States when considering the extent of processing that occurs within the United States under the substantial transformation test. While Raptor argues that this process will transform the ID scanner and printer into products of the United States, we disagree as explained below.

Here, both the development and loading of the software take place in the United States. However, the ID scanners and printers in this case serve as scanners and printers, even before software is loaded onto them in the United States. While the Acuant software gives the ID scanner the particular features of an Acuant branded scanner, and while the Raptor software gives the ID scanner and printer the ability to function within the RBS, this does not change the fact that these products have a predetermined use prior to having software installed onto them in the United States. *See* HRL H215657, dated April 29, 2013 (holding that the process of developing and installing software onto foreign flashlights in the United States did not change the basic operations of the flashlight). Likewise, the process of customizing the RBS to work with multiple devices and multiple databases, or the process of training the customer how to use the system, will not transform the scanner into something other than a scanner or the printer into something other than a printer. *See generally National Hand Tool Corp. v. United States*, 16 Ct. Int'l Trade 308, 311 (1992) (holding that processing in the United States did not substantially transform tools already shaped for a predetermined use prior to importation into the United States).

Raptor also cites to HRL H039856, dated August 12, 2009, to argue that the RBS is a product of the United States. In HRL H039856, various components of foreign origin, including a printer control unit and laser scanning unit, were imported into Japan and assembled into multifunction printers (''MFP(s)''). CBP has considered similar MFP cases on various occasions. In these cases, various components, including printer unit and scanner unit subassemblies, are physically integrated together to create an MFP capable of printing, scanning, and similar operations. Prior to this assembly, these subassemblies lack these capabilities. *See* HRL H263561, dated December 23, 2015; HRL H025106, dated June 11, 2008; and, HRL 562936, dated March 17, 2004. Unlike these MPF cases, the scanner and printer in this case do not require integration into the RBS to function as scanners and printers. Moreover, integrating the scanner and printer components into the RBS does not result in a printer and scanner that are physically assembled together. That is, after integration into the system, the scanner will look like the same scanner, and the printer like the same printer, both still without permanent physical attachments to other tangible products. *See Uniroyal, Inc. v. United States,* 3 CIT 220, 542 F. Supp. 1026 (1982), *aff'd* 702 F. 2d 1022 (Fed. Cir. 1983) (noting that if the manufacturing or combining process is a minor one which leaves the identity of the article intact, a substantial transformation has not occurred).

We also disagree with Raptor's argument that the various hardware component parts of the RBS cannot function as a visitor management system without the Raptor software, citing to HRL H090115, dated August 2, 2010, and HRL H21555, dated July 13, 2012. The software installation process in HRL H090115 was only part of the 16 day process that rendered a substantial transformation, and thus is distinguished from this case which only involves a one to three hour process per system, mainly focusing on the software installation. Similarly we distinguish HRL H21555 because that case involved microcomputer devices which could not function without the proprietary software, whereas this case involves printers and scanners that are functional without the Raptor software.

[1] Raptor also cites to HRL H192146, dated June 8, 2012, which is a non-binding advisory ruling.

Additionally, we note that the ID scanner and printer are products that can be individually purchased and used outside of the system without the Raptor software. Thus, whether these products are substantially transformed into the RBS is really a question of whether the software development and loading are sufficient to transform these individual products into a different article of commerce, the RBS. As indicated above, regardless of the software installed onto the ID scanner and printer, the ID scanner and printer already have their respective functions as scanners and printers prior to their incorporation into the system. They function as scanners and printers when they are manufactured in China, their basic functions in this regard do not change once imported into the United States, and their physical appearance will remain the same even after integrated into the RBS. Accordingly, the ID scanner and printer remain products of China for purposes of U.S. Government procurement.

With regard to the Blanco labels, Raptor indicates that such will be designed and manufactured in the United States. Similarly, Raptor indicates that the barcode scanner will be manufactured entirely in Taiwan. Raptor provides affidavits signed by the label manufacturer and barcode scanner manufacturer stating that such are products of the United States and Taiwan, respectively. To the extent that the labels and barcode scanner are products from the United States and Taiwan, respectively, each may be individually compliant under the TAA.

While the labels are products that are integrated within the RBS, their country of origin does not change the country of origin of the ID scanner and printer within the RBS. In a number of rulings CBP stated, ''merely packaging parts of a kit together does not constitute a substantial transformation.'' *See* HRL 732498, dated October 3, 1989; and HRL 732897, dated June 6, 1990. As noted from these rulings, packaging the ID scanner and printers with the labels does not substantially transform these products because such are already in their finished forms, not modified or affixed to each other, or combined in a permanent matter. Accordingly, the ID scanner and printers remain products of the country where they will be manufactured, China.

HOLDING:

Based on the facts provided, the integration of the ID scanner, printer, and labels via the Raptor software into the RBS does not substantially transform these individual products into a product of the United States. Rather, for purposes of U.S. Government procurement, the labels are products of the United States, and the ID scanner and printer remain products of China because they are not substantially transformed by the processes that take place in the United States. Moreover, to the extent the RBS-compatible barcode scanner is manufactured in Taiwan, it is a product of Taiwan for purposes of U.S. Government procurement.

Notice of this final determination will be given in the **Federal Register**, as required by 19 C.F.R. § 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 C.F.R. § 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 C.F.R. § 177.30, any party-at-interest may, within 30 days of publication of the **Federal Register** Notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

Alice A. Kipel, Executive Director
Regulations and Rulings
Office of Trade

[FR Doc. 2017–10057 Filed 5–18–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1664]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency; DHS.

ACTION: Notice; correction.

SUMMARY: On January 23, 2017, FEMA published in the **Federal Register** a proposed flood hazard determination notice that contained an erroneous table. This notice provides corrections to that table, to be used in lieu of the information published at 82 FR 7849. The table provided here represents the proposed flood hazard determinations and communities affected for Los Angeles County, California, and Incorporated Areas.

DATES: Comments are to be submitted on or before August 17, 2017.

ADDRESSES: The Preliminary Flood Insurance Rate Map (FIRM), and where applicable, the Flood Insurance Study (FIS) report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1664, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed in the table below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP may only be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a

mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The communities affected by the flood hazard determinations are provided in the table below. Any request for reconsideration of the revised flood hazard determinations shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations will also be considered before the FIRM and FIS report are made final.

Correction

In the proposed flood hazard determination notice published at 82 FR 7849 in the January 23, 2017, issue of the **Federal Register**, FEMA published a table titled ''Los Angeles County, California and Incorporated Areas''. This table contained inaccurate information as to the communities affected by the proposed flood hazard determinations featured in the table.

In this document, FEMA is publishing a table containing the accurate information. The information provided below should be used in lieu of that previously published.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: April 25, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Los Angeles County, California and Incorporated Areas	
Maps available for inspection online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
City of Los Angeles	Department of Public Works, Bureau of Engineering, Street Improvement and Stormwater Division, 1149 South Broadway, Suite 810, Los Angeles, CA 90015.
Unincorporated Areas of Los Angeles County	Public Works Headquarters, Watershed Management Division, 900 South Fremont Avenue, Alhambra, CA 91803.

[FR Doc. 2017–10189 Filed 5–18–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1709]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before August 17, 2017.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1709, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be

considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: April 25, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Watershed-based studies:

Community	Community map repository address
Boeuf Watershed	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Franklin Parish, Louisiana and Incorporated Areas	
City of Winnsboro	City Hall, Mayor's Office, 3814 Front Street, Winnsboro, LA 71295.
Town of Wisner	Mayor's Office, 9530 Natchez Street, Wisner, LA 71378.
Unincorporated Areas of Franklin Parish	Franklin Parish, Court House, Police Jury Office, 6558 Main Street, Winnsboro, LA 71295.
Village of Baskin	Mayor's Office, 1325 Highway 15, Baskin, LA 71219.
Village of Gilbert	Mayor's Office, 7564 Gilbert Street, Gilbert, LA 71336.
Lower Cumberland Watershed	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Caldwell County, Kentucky and Incorporated Areas	
City of Fredonia	City Hall, 312 Cassidy Avenue, Fredonia, KY 42411.
City of Princeton	City Hall, 206 East Market Street, Princeton, KY 42445.
Unincorporated Areas of Caldwell County	Caldwell County Courthouse, 100 East Market Street, Princeton, KY 42445.
Christian County, Kentucky and Incorporated Areas	
City of Hopkinsville	Christian County Community Development Services, 710 South Main Street, Hopkinsville, KY 42240.
Unincorporated Areas of Christian County	Christian County Community Development Services, 710 South Main Street, Hopkinsville, KY 42240.
Crittenden County, Kentucky and Incorporated Areas	
Unincorporated Areas of Crittenden County	Crittenden County Courthouse, Clerk's Office, 107 South Main Street, Suite 203, Marion, KY 42064.
Livingston County, Kentucky and Incorporated Areas	
City of Smithland	City Hall, 310 Wilson Avenue, Smithland, KY 42081.
Unincorporated Areas of Livingston County	Livingston County Offices and Library, 321 Court Street, Smithland, KY 42081.
Trigg County, Kentucky and Incorporated Areas	
City of Cadiz	City Hall, 63 Main Street, Cadiz, KY 42211.
Unincorporated Areas of Trigg County	Trigg County Courthouse Annex, 38 Main Street, Suite 101, Cadiz, KY 42211.
Santa Fe Watershed	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Alachua County, Florida and Incorporated Areas	
City of Alachua	City Hall, 15100 Northwest 142nd Terrace, Alachua, FL 32615.
City of Gainesville	Public Works Department, 405 Northwest 39th Avenue, Gainesville, FL 32609.

Community	Community map repository address
City of Waldo	City Hall, 14655 Kennard Street, Waldo, FL 32694.
Unincorporated Areas of Alachua County	Alachua County Public Works Department, Engineering and Operations, 5620 Northwest 120th Lane, Gainesville, FL 32653.
Bradford County, Florida and Incorporated Areas	
City of Starke	City Clerk's Office, 209 North Thompson Street, Starke, FL 32091.
Unincorporated Areas of Bradford County	Bradford County Building and Zoning Department, 945F North Temple Avenue, Starke, FL 32091.
Union County, Florida and Incorporated Areas	
City of Lake Butler	City Hall, 200 Southwest 1st Street, Lake Butler, FL 32054.
Town of Worthington Springs	Community Center, 11933 Southwest 36th Drive, Worthington Springs, FL 32054.
Unincorporated Areas of Union County	Union County Building Department, 15277 Southwest 84th Street, Lake Butler, FL 32054.
Upper Suwannee Watershed	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Columbia County, Florida and Incorporated Areas	
City of Lake City	City Hall, 205 North Marion Avenue, Lake City, FL 32055.
Unincorporated Areas of Columbia County	Columbia County Public Works Department, 607 Northwest Quinten Street, Lake City, FL 32055.

II. Non-watershed-based studies:

Community	Community map repository address
Pulaski County, Arkansas and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 16–06–3876S Preliminary Date: November 30, 2016	
City of Jacksonville	City Hall, 1 Municipal Drive, Jacksonville, AR 72076.
City of Little Rock	Public Works Administration Building, 701 West Markham Street, Little Rock, AR 72201.
Unincorporated Areas of Pulaski County	Pulaski County Public Works, 3200 Brown Street, Little Rock, AR 72204.
Arapahoe County, Colorado and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 14–08–1281S Preliminary Date: June 30, 2016 and October 4, 2016	
City of Aurora	Public Works Department, 15151 East Alameda Parkway, Suite 3200, Aurora, CO 80012.
City of Centennial	Southeast Metro Stormwater Authority, 7437 South Fairplay Street, Centennial, CO 80112.
City of Glendale	City of Glendale Clerk, 950 South Birch Street, Glendale, CO 80246.
City of Littleton	Public Works Department, 2255 West Berry Avenue, Littleton, CO 80120.
Unincorporated Areas of Arapahoe County	Arapahoe County Department of Public Works and Development, 6924 South Lima Street, Centennial, CO 80112.
City and County of Denver, Colorado	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 14–08–1281S Preliminary Date: June 30, 2016 and October 4, 2016	
City and County of Denver	Public Works Department, 201 West Colfax Avenue, Department 507, Denver, CO 80202.

Community	Community map repository address
Douglas County, Colorado and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 14–08–1281S Preliminary Date: June 30, 2016	
City of Lone Tree	Public Works Department, 9222 Teddy Lane, Lone Tree, CO 80124.
Town of Parker	Town Hall, 20120 East Mainstreet, Parker, CO 80138.
Unincorporated Areas of Douglas County	Douglas County Department of Public Works Engineering, 100 3rd Street, Castle Rock, CO 80104.
St. Johns County, Florida and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 11–04–1762S Preliminary Date: May 16, 2016	
City of St. Augustine	City Hall, Planning and Building Department, 75 King Street, St. Augustine, FL 32084.
City of St. Augustine Beach	City Hall, Building Department, 2200 A1A South, St. Augustine Beach, FL 32080.
Town of Hastings	HHS Community Building, 6195 South Main Street, Suite A, Hastings, FL 32145.
Unincorporated Areas of St. Johns County	St. Johns County Permit Center, 4040 Lewis Speedway, St. Augustine, FL 32084.
Assumption Parish, Louisiana and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 16–06–0712S Preliminary Date: November 30, 2016	
Town of Napoleonville	City Hall, 4813 Highway 1, 1st Floor, Napoleonville, LA 70390.
Unincorporated Areas of Assumption Parish	Assumption Parish Office of Homeland Security and Emergency Preparedness, 105 Dr. Martin Luther King Drive, Napoleonville, LA 70390.
West Carroll Parish, Louisiana and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 12–06–0898S Preliminary Date: September 29, 2016	
Town of Oak Grove	Town Hall, 407 East Main Street, Oak Grove, LA 71263.
Unincorporated Areas of West Carroll Parish	West Carroll Parish Office of Homeland Security and Emergency Preparedness, 310 Skinner Lane, Oak Grove, LA 71263.
Village of Epps	Epps Town Hall, 120 Maple Street, Epps, LA 71237.
Village of Forest	Forest Community Center, 137 Walnut Street, Forest, LA 71242.
Village of Kilbourne	Village Hall, 125 Carnell Street, Kilbourne, LA 71253.
Village of Pioneer	Village Hall, 318 Cherry Street, Pioneer, LA 71266.
Butler County, Pennsylvania (All Jurisdictions)	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 06–03–A623S Preliminary Date: March 12, 2010 and October 15, 2015	
Borough of Saxonburg	Borough Office, 420 West Main Street, Saxonburg, PA 16056.
Brown County, Texas and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 16–06–0793S Preliminary Date: August 26, 2015 and September 30, 2016	
City of Brownwood	Engineering Office, 501 Center Avenue, Brownwood, TX 76804.
City of Early	City Hall, 960 Early Boulevard, Early, TX 76802.
Unincorporated Areas of Brown County	Brown County Building Inspector's Office, 200 South Broadway Street, Suite 322, Brownwood, TX 76801.

Community	Community map repository address
Calhoun County, Texas and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 15–06–0621S Preliminary Date: June 17, 2016	
Unincorporated Areas of Calhoun County	Calhoun County Courthouse, 211 South Ann Street, Port Lavaca, TX 77979.

[FR Doc. 2017–10180 Filed 5–18–17; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2017–0021; OMB No. 1660–0105]

Agency Information Collection Activities: Proposed Collection; Comment Request; Community Preparedness and Participation Survey

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the FEMA Community Preparedness and Participation Survey used to identify progress and gaps in citizen and community preparedness.

DATES: Comments must be submitted on or before July 18, 2017.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2017–0021. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., 8NE, Washington, DC 20472–3100.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jacqueline Snelling, Senior Advisor, FEMA, National Preparedness Directorate, at (202) 786–9577. You may contact the Records Management Division for copies of the proposed collection of information at email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Stafford Act, Title VI, Emergency Preparedness (42 U.S.C. 5195–5195(a)) identifies the purpose of emergency preparedness ''for the protection of life and property in the United States from hazards.'' It directs that the Federal Government ''provide necessary direction, coordination, and guidance'' as authorized for a comprehensive emergency preparedness system for all hazards. Emergency preparedness is defined as all ''activities and measures designed or undertaken to prepare or minimize the effects of a hazard upon the civilian population . . .'' The ''conduct of research'' is among the measures to be undertaken in preparation for hazards.

The DHS Strategic Plan 2014–2018 includes a Goal 5.1 including the goal for ''improving strategies for the mission of empowering individuals and communities to strengthen and sustain their own preparedness''

The FEMA Strategic Plan 2014–2018 references FEMA priorities for preparing individuals in Priority #1—to achieve a survivor-centric mission where ''Individuals and communities know the steps to take, have the tools required, and take appropriate actions, before, during, and after disasters'', and in Priority #3, to better prepare survivors and bystanders.

Presidential Policy Directive-8 (PPD–8) directs the Secretary of Homeland Security to ''coordinate a comprehensive campaign to build and sustain national preparedness, including public outreach and community-based and private sector programs to enhance national resilience, the provision of Federal financial assistance, preparedness efforts by the Federal Government, and national research and development efforts.''

In response to the charge to FEMA and to the DHS and FEMA strategic priorities, FEMA conducts programs to improve the public's knowledge and actions for preparedness and resilience including the *READY.gov* program, the Prepareathon program, and related programs such as the Youth Preparedness program that focus on specific populations and hazards. Information from this collection will be used to track changes in knowledge, attitudes and behaviors related to preparedness in the general public, and to track the outcomes of the national campaigns and programs in motivating behavior change for preparedness in the general public.

Collection of Information

Title: Community Preparedness and Participation Survey.

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660–0105.

FEMA Forms: FEMA Form 008–0–15, Community Preparedness and Participation Survey.

Abstract: The Individual and Community Preparedness Division uses this information to more effectively improve the state of preparedness and participation from the general public by customizing preparedness education and training programs, messaging and public information efforts, and strategic planning initiatives.

Affected Public: Individuals or households.

Number of Respondents: 5,040.

Number of Responses: 5,040.

Estimated Total Annual Burden Hours: 1,260 hours.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $32,760. There are no annual costs to respondents operations and maintenance costs for technical services. There is no annual start-up or capital costs. The cost to the Federal Government is $627,432.28.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Dated: May 15, 2017.

Richard W. Mattison,

Records Management Program Chief, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2017–10163 Filed 5–18–17; 8:45 am]

BILLING CODE 9111–46–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of June 7, 2017 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.* The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: April 25, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Watershed-based studies:

Community	Community map repository address
Upper Ocmulgee Watershed	
Butts County, Georgia and Incorporated Areas Docket No.: FEMA–B–1551	
City of Flovilla	Butts County Community Services Department, 625 West 3rd Street, Suite 3, Jackson, GA 30233.
City of Jackson	Butts County Community Services Department, 625 West 3rd Street, Suite 3, Jackson, GA 30233.
City of Jenkinsburg	Butts County Community Services Department, 625 West 3rd Street, Suite 3, Jackson, GA 30233.
Unincorporated Areas of Butts County	Butts County Community Services Department, 625 West 3rd Street, Suite 3, Jackson, GA 30233.
Jasper County, Georgia and Incorporated Areas Docket No.: FEMA–B–1551	
Unincorporated Areas of Jasper County	Jasper County Courthouse, Planning and Zoning Department, 126 West Greene Street, Suite 17, Monticello, GA 31064.

Community	Community map repository address
Jones County, Georgia and Incorporated Areas Docket No.: FEMA–B–1551	
City of Gray	Jones County Planning and Zoning Department, 166 Industrial Boulevard, Gray, GA 31032.
Unincorporated Areas of Jones County	Jones County Planning and Zoning Department, 166 Industrial Boulevard, Gray, GA 31032.
Macon-Bibb County, Georgia (Consolidated Government) Docket No.: FEMA–B–1551	
Macon-Bibb County (Consolidated Government)	Macon-Bibb County Engineer's Office, 780 3rd Street, Macon, GA 31201.
Monroe County, Georgia and Incorporated Areas Docket No.: FEMA–B–1551	
City of Forsyth	City Hall, 26 North Jackson Street, Forsyth, GA 31029.
Unincorporated Areas of Monroe County	Board of Commissioners Building, 38 West Main Street, Forsyth, GA 31029.
Spalding County, Georgia and Incorporated Areas Docket No.: FEMA–B–1551	
City of Griffin	City Hall, 100 South Hill Street, Griffin, GA 30223.
City of Orchard Hill	Orchard Hill City Hall, 2972 Macon Road, Griffin, GA 30224.
Unincorporated Areas of Spalding County	Spalding County Community Development Center, 119 East Solomon Street, Suite 203, Griffin, GA 30223.
James Headwaters Watershed	
Eddy County, North Dakota and Incorporated Areas Docket No.: FEMA–B–1547	
City of New Rockford	City Hall, 117 1st South, New Rockford, ND 58356.
Unincorporated Areas of Eddy County	Eddy County Courthouse, 524 Central Avenue, New Rockford, ND 58356.
Stutsman County, North Dakota and Incorporated Areas Docket No.: FEMA–B–1547	
City of Jamestown	City Hall, 102 3rd Avenue Southeast, Jamestown, ND 58401.
Unincorporated Areas of Stutsman County	Stutsman County Courthouse, 511 2nd Avenue Southeast, Jamestown, ND 58401.

II. Non-watershed-based studies:

Community	Community map repository address
Jackson County, Arkansas and Incorporated Areas Docket No.: FEMA–B–1551	
City of Amagon	City Hall, 209 Amagon Avenue, Amagon, AR 72005.
City of Campbell Station	Campbell Station City Hall, 5005 Keeter Circle, Tuckerman, AR 72473.
City of Diaz	City Hall, 3401 South Main Street, Diaz, AR 72043.
City of Newport	City Hall, 615 Third Street, Newport, AR 72112.
City of Swifton	City Hall, 101 Highway 67 South, Swifton, AR 72471.
City of Tuckerman	City Hall, 200 West Main Street, Tuckerman, AR 72473.
City of Tupelo	City Hall and Community Building, 32 Pecan Circle, Tupelo, AR 72169.
Town of Beedeville	Town Hall, 121 McFaddin Street, Beedeville, AR 72014.
Town of Grubbs	City Hall, 420 North Main Street, Grubbs, AR 72431.
Town of Jacksonport	Town Hall, 304 Avenue Street, Jacksonport, AR 72075.
Town of Weldon	Fire Station, 1125 Highway 17 South, Weldon, AR 72112.
Unincorporated Areas of Jackson County	Jackson County Office of Emergency Management, 3405 South Main Street, Diaz, AR 72043.
Clayton County, Georgia and Incorporated Areas Docket No.: FEMA–B–1539	
City of Forest Park	City Hall, 745 Forest Parkway, Forest Park, GA 30297.
City of Jonesboro	City Hall, 124 North Avenue, Jonesboro, GA 30236.
City of Lake City	City Hall, 5455 Jonesboro Road, Lake City, GA 30260.
City of Lovejoy	City Hall, 2296 Talmadge Road, Lovejoy, GA 30250.

Community	Community map repository address
City of Morrow	Clayton County Water Authority, 1600 Battle Creek Road, Morrow, GA 30260.
City of Riverdale	City Hall, 7200 Church Street, Riverdale, GA 30274.
Unincorporated Areas of Clayton County	Clayton County Water Authority, 1600 Battle Creek Road, Morrow, GA 30260.
Erie County, Pennsylvania (All Jurisdictions) Docket No.: FEMA–B–1601	
Borough of Lake City	Borough Building, 2350 Main Street, Lake City, PA 16423.
City of Erie	Mayor's Office, 626 State Street, Room 500, Erie, PA 16501.
Township of Fairview	Township Building, 7471 McCray Road, Fairview, PA 16415.
Township of Girard	Township Building, 10140 Ridge Road, Girard, PA 16417.
Township of Harborcreek	Township Building, 5601 Buffalo Road, Harborcreek, PA 16421.
Township of Lawrence Park	Lawrence Park Township Building, 4230 Iroquois Avenue, Erie, PA 16511.
Township of Millcreek	Millcreek Township Municipal Building, 3608 West 26th Street, Erie, PA 16506.
Township of North East	Township Building, 10300 West Main Road, North East, PA 16428.
Township of Springfield	Springfield Township Building, 13300 Ridge Road, West Springfield, PA 16443.
Collin County, Texas and Incorporated Areas Docket No.: FEMA–B–1264 and FEMA–B–1471	
City of Allen	City Hall, 305 Century Parkway, Allen, TX 75013.
City of Frisco	George A. Purefoy Municipal Center, 6101 Frisco Square Boulevard, 3rd Floor, Frisco, TX 75034.
City of McKinney	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.
City of Plano	City Hall, Engineering Department, 1520 K Avenue, Plano, TX 75074.
City of Richardson	Civic Center/City Hall, 411 West Arapaho Road, Room 204, Richardson, TX 75080.
Unincorporated Areas of Collin County	Collin County Engineering Department, 4690 Community Avenue, Suite 200, McKinney, TX 75071.

[FR Doc. 2017–10187 Filed 5–18–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1648]

Proposed Flood Hazard Determinations for Sierra County, California and Incorporated Areas

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed notice; withdrawal.

SUMMARY: The Federal Emergency Management Agency (FEMA) is withdrawing its proposed notice concerning proposed flood hazard determinations, which may include the addition or modification of any Base Flood Elevation, base flood depth, Special Flood Hazard Area boundary or zone designation, or regulatory floodway (herein after referred to as proposed flood hazard determinations) on the Flood Insurance Rate Maps and, where applicable, in the supporting Flood Insurance Study reports for Sierra County, California and Incorporated Areas.

DATES: This withdrawal is effective May 19, 2017.

ADDRESSES: You may submit comments, identified by Docket No. FEMA–B–1648, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;*

SUPPLEMENTARY INFORMATION: On September 19, 2016, FEMA published a proposed notice at 81 FR 64186, proposing flood hazard determinations for Sierra County, California and Incorporated Areas. FEMA is withdrawing the proposed notice.

Authority: 42 U.S.C. 4104; 44 CFR 67.4.

Dated: May 2, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2017–10185 Filed 5–18–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports

have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of August 15, 2017 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: April 25, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Non-Watershed-Based Studies

Community	Community map repository address
Marin County, California and Incorporated Areas Docket No.: FEMA–B–1553	
Unincorporated Areas of Marin County	Marin County Department of Public Works, 3501 Civic Center Drive, Room 304, San Rafael, CA 94903.
Tippecanoe County, Indiana and Incorporated Areas Docket No.: FEMA–B–1621	
City of Lafayette	City Hall, 20 North 6th Street, Lafayette, IN 47901.
Town of Shadeland	Shadeland Town Hall, 3125 South 175 West, Lafayette, IN 47909.
Unincorporated Areas of Tippecanoe County	Tippecanoe County Office, 20 North 3rd Street, Lafayette, IN 47901.
Crow Wing County, Minnesota and Incorporated Areas Docket No.: FEMA–B–1532	
City of Baxter	City Hall, 13190 Memorywood Drive, Baxter, MN 56425.
City of Brainerd	City Hall, 501 Laurel Street, Brainerd, MN 56401.
City of Breezy Point	City Hall, 8319 County Road 11, Breezy Point, MN 56472.
City of Crosby	City Hall, 2 2nd Street Southwest, Crosby, MN 56441.
City of Crosslake	City Hall, 37028 County Road 66, Crosslake, MN 56442.
City of Cuyuna	Cuyuna City Hall, 24945 Minnesota Avenue, Deerwood, MN 56444.
City of Deerwood	City Hall, 23770 Forest Road, Deerwood, MN 56444.
City of Emily	City Hall, 39811 State Highway 6, Emily, MN 56447.
City of Fifty Lakes	City Hall, 40447 Town Hall Road, Fifty Lakes, MN 56448.
City of Fort Ripley	930 Oak Drive North, Fort Ripley, MN 56449.
City of Garrison	City Hall, 27069 Central Street, Garrison, MN 56450.
City of Ironton	City Hall, 309 3rd Street, Ironton, MN 56455.
City of Jenkins	City Hall, 33861 Cottage Avenue, Jenkins, MN 56474.
City of Manhattan Beach	City Hall, 39148 County Road 66, Manhattan Beach, MN 56442.
City of Nisswa	City Hall, 5442 City Hall Street, Nisswa, MN 56468.
City of Pequot Lakes	City Hall, 4638 County Road 11, Pequot Lakes, MN 56472.
City of Riverton	City Hall, 16663 Main Street, Riverton, MN 56455.
City of Trommald	City Hall, 18105 Whitetail Street, Trommald, MN 56441.
Unincorporated Areas of Crow Wing County	Crow Wing County Land Services Office, Environmental Services, 322 Laurel Street, Suite 14, Brainerd, MN 56401.
Muskingum County, Ohio and Incorporated Areas Docket No.: FEMA–B–1627	
Unincorporated Areas of Muskingum County	Muskingum County Mapping Department, 401 Main Street, Zanesville, OH 43701.

Community	Community map repository address
Village of Roseville	Municipal Building, 107 North Main Street, Roseville, OH 43777.
Perry County, Ohio and Incorporated Areas Docket No.: FEMA–B–1627	
Unincorporated Areas of Perry County	Perry County Offices—Soil and Water Department, 109–A East Gay Street, Somerset, OH 43783.

[FR Doc. 2017–10168 Filed 5–18–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: April 25, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Alabama:					
Jefferson, (FEMA Docket No.: B–1668).	City of Birmingham, (16–04–6488P).	The Honorable William A. Bell, Sr., Mayor, City of Birmingham, 710 20th Street North, 3rd Floor, Birmingham, AL 35203.	City Hall, 710 20th Street North, 3rd Floor, Birmingham, AL 35203.	Feb. 21, 2017	010116
Jefferson, (FEMA Docket No.: B–1668).	Unincorporated areas of Jefferson County, (16–04–6488P).	The Honorable James A. Stephens, Chairman, Jefferson County Commission, 716 Richard Arrington Jr. Boulevard North, Birmingham, AL 35203.	Jefferson County Land Development Department, 716 Richard Arrington Jr. Boulevard North, Birmingham, AL 35203.	Feb. 21, 2017	010217
Colorado:					
Adams, (FEMA Docket No.: B–1665).	City of Westminster, (16–08–0417P).	The Honorable Herb Atchison, Mayor, City of Westminster, 4800 West 92nd Avenue, Westminster, CO 80031.	Engineering Division, 4800 West 92nd Avenue, Westminster, CO 80031.	Feb. 10, 2017	080008

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
El Paso, (FEMA Docket No.: B–1665).	City of Colorado Springs, (16–08–0694P).	The Honorable John Suthers, Mayor, City of Colorado Springs, 30 South Nevada Avenue, Colorado Springs, CO, 80903.	Pikes Peak Regional Building, 2880 International Circle, Colorado Springs, CO, 80903.	Feb. 22, 2017	080060
Mesa, (FEMA Docket No.: B–1668).	City of Grand Junction, (16–08–0727P).	Mr. Greg Caton, Manager, City of Grand Junction, 250 North 5th Street, Grand Junction, CO 81501.	City Hall, 250 North 5th Street, Grand Junction, CO 81501.	Mar. 6, 2017	080117
Mesa, (FEMA Docket No.: B–1668).	Unincorporated areas of Mesa County, (16–08–0612P).	The Honorable John Justman, Chairman, Mesa County, Board of Commissioners, 544 Rood Avenue, 3rd Floor, Grand Junction, CO 81501.	Mesa County Central Services Department, 200 South Spruce Street, Grand Junction, CO 81501.	Mar. 9, 2017	080115
Mesa, (FEMA Docket No.: B–1668).	Unincorporated areas of Mesa County, (16–08–0727P).	The Honorable John Justman, Chairman, Mesa County, Board of Commissioners, 544 Rood Avenue, 3rd Floor, Grand Junction, CO 81501.	Mesa County Central Services Department, 200 South Spruce Street, Grand Junction, CO 81501.	Mar. 6, 2017	080115
Florida:					
Collier, (FEMA Docket No.: B–1668).	City of Naples, (16–04–7943P).	The Honorable Bill Barnett, Mayor, City of Naples, 735 8th Street South, Naples, FL 34102.	Building Department, 295 Riverside Circle, Naples, FL 34102.	Mar. 8, 2017	125130
Collier, (FEMA Docket No.: B–1668).	Unincorporated areas of Collier County, (16–04–8239P).	The Honorable Donna Fiala, Chair, Collier County Board of Commissioners, 3299 Tamiami Trail East, Suite 303, Naples, FL 34112.	Collier County Administration Department, 3301 East Tamiami Trail, Building F, 1st Floor, Naples, FL 34112.	Mar. 9, 2017	120067
Lee, (FEMA Docket No.: B–1668).	Unincorporated areas of Lee County, (16–04–4523P).	The Honorable Frank Mann, Chairman, Lee County Board of Commissioners, 2120 Main Street, Fort Myers, FL 33901.	Lee County Community Development Department, 1500 Monroe Street, Fort Myers, FL 33901.	Mar. 3, 2017	125124
Manatee, (FEMA Docket No.: B–1665).	City of Bradenton Beach, (16–04–5422P).	The Honorable William Shearon, Mayor, City of Bradenton Beach, 107 Gulf Drive North, Bradenton Beach, FL 34217.	Public Works, Planning and Development Department, 107 Gulf Drive North, Bradenton Beach, FL 34217.	Mar. 1, 2017	125091
Miami-Dade, (FEMA Docket No.: B–1668).	City of Miami, (16–04–6380P).	The Honorable Tomás P. Regalado, Mayor, City of Miami, 3500 Pan American Drive, Miami, FL 33133.	Building Department, 444 Southwest 2nd Avenue, 4th Floor, Miami, FL 33130.	Mar. 8, 2017	120650
Miami-Dade, (FEMA Docket No.: B–1668).	City of Miami, (16–04–7155P).	The Honorable Tomás P. Regalado, Mayor, City of Miami, 3500 Pan American Drive, Miami, FL 33133.	Building Department, 444 Southwest 2nd Avenue, 4th Floor, Miami, FL 33130.	Mar. 3, 2017	120650
Monroe, (FEMA Docket No.: B–1668).	Unincorporated areas of Monroe County, (16–04–7782P).	The Honorable Heather Carruthers, Mayor, Monroe County Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Marathon, FL 33050.	Mar. 8, 2017	125129
Orange, (FEMA Docket No.: B–1668).	City of Orlando, (16–04–5226P).	The Honorable Buddy Dyer, Mayor, City of Orlando, 400 South Orange Avenue, Orlando, FL 32802.	Public Works Department, 400 South Orange Avenue, Orlando, FL 32802.	Mar. 10, 2017	120186
Maryland: Garrett, (FEMA Docket No.: B–1668).	Unincorporated areas of Garrett County, (16–03–2576P).	Mr. Kevin G. Null, Garrett County Administrator, 203 South 4th Street, Room 207, Oakland, MD 21550.	Garrett County Department of Permits and Inspection Services, 203 South 4th Street, Room 208, Oakland, MD 21550.	Mar. 10, 2017	240034
Massachusetts: Norfolk, (FEMA Docket No.: B–1668).	City of Quincy, (16–01–0647P).	The Honorable Thomas P. Koch, Mayor, City of Quincy, 1305 Hancock Street, Quincy, MA 02169.	Department of Public Works, 55 Sea Street, Quincy, MA 02169.	Mar. 1, 2017	255219
New Mexico:					
Bernalillo, (FEMA Docket No.: B–1668).	City of Albuquerque, (16–06–1689P).	The Honorable Richard J. Berry, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, NM 87103.	Planning Development and Building Services Division, 600 2nd Street Northwest, Albuquerque, NM 87102.	Feb. 27, 2017	350002
Bernalillo, (FEMA Docket No.: B–1668).	Unincorporated areas of Bernalillo County, (16–06–1689P).	The Honorable Art De La Cruz, Chairman, Bernalillo County Board of Commissioners, 1 Civic Plaza Northwest, Albuquerque, NM 87102.	Bernalillo County Public Works Division, 2400 Broadway Southeast, Albuquerque, NM 87102.	Feb. 27, 2017	350001
North Carolina:					
Craven, (FEMA Docket No.: B–1668).	City of Havelock, (16–04–6818P).	The Honorable William Lewis, Mayor, City of Havelock, P.O. Box 368, Havelock, NC 28532.	Planning and Inspections Department, 1 Governmental Avenue, Havelock, NC 28532.	Feb. 23, 2017	370265
Craven, (FEMA Docket No.: B–1668).	Unincorporated areas of Craven County, (16–04–6818P).	The Honorable George S. Liner, Chairman, Craven County Board of Commissioners, 406 Craven Street, New Bern, NC 28560.	Craven County Planning and Community Development Department, 2828 Neuse Boulevard, New Bern, NC 28562.	Feb. 23, 2017	370072
Mecklenburg, (FEMA Docket No.: B–1665).	Town of Pineville, (16–04–3132P).	The Honorable John Edwards, Mayor, Town of Pineville, P.O. Box 249, Pineville, NC 28134.	Town Hall, 200 Dover Street, Pineville, NC 28134.	Feb. 23, 2017	370160
Yadkin, (FEMA Docket No.: B–1700).	Town of Yadkinville, (16–04–7376P).	The Honorable Eddie Norman, Mayor, Town of Yadkinville, P.O. Box 816, Yadkinville, NC 27055.	Town Hall, 213 Van Buren Street, Yadkinville, NC 27055.	Feb. 9, 2017	370640

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Yadkin, (FEMA Docket No.: B–1700).	Unincorporated areas of Yadkin County, (16–04–7376P).	The Honorable Kevin Austin, Chairman, Yadkin County, Board of Commissioners, P.O. Box 220, Yadkinville, NC 27055.	Yadkin County Planning and Zoning Department, 213 East Elm Street, Yadkinville, NC 27055.	Feb. 9, 2017	370400
Oklahoma:, Oklahoma, (FEMA Docket No.: B–1665).	City of Oklahoma City, (16–06–2147P).	The Honorable Mick Cornett, Mayor, City of Oklahoma City, 200 North Walker, Avenue, Oklahoma City, OK 73102.	Public Works Department, 420 West Main Street, Oklahoma City, OK 73102.	Feb. 22, 2017	405378
South Dakota:					
Pennington, (FEMA Docket No.: B–1668).	City of Rapid City, (16–08–0803P).	The Honorable Steve Allender, Mayor, City of Rapid City, 300 6th Street, Rapid City, SD 57701.	Public Works and Engineering Services Department, 300 6th Street, Rapid City, SD 57701.	Feb. 23, 2017	465420
Pennington, (FEMA Docket No.: B–1668).	City of Rapid City, (16–08–0818P).	The Honorable Steve Allender, Mayor, City of Rapid City, 300 6th Street, Rapid City, SD 57701.	Public Works and Engineering Services Department, 300 6th Street, Rapid City, SD 57701.	Feb. 27, 2017	465420
Pennington, (FEMA Docket No.: B–1700).	City of Rapid City, (16–08–0839P).	The Honorable Steve Allender, Mayor, City of Rapid City, 300 6th Street, Rapid City, SD 57701.	Public Works- and Engineering Services Department, 300 6th Street, Rapid City, SD 57701.	Mar. 10, 2017	465420
Pennington, (FEMA Docket No.: B–1700).	Unincorporated areas of Pennington County, (16–08–0839P).	The Honorable Lyndell Petersen, Chairman, Pennington County Board of Commissioners, 130 Kansas City Street, Suite 100, Rapid City, SD 57701.	Pennington County Planning Department, 130 Kansas City Street, Suite 200, Rapid City, SD 57701.	Mar. 10, 2017	460064
Tennessee: Shelby, (FEMA Docket No.: B–1668).	Town of Collierville, (16–04–7778P).	The Honorable Stan Joyner, Jr., Mayor, Town of Collierville, 500 Poplar View Parkway, Collierville, TN 38017.	Development Department, 500 Poplar View Parkway, Collierville, TN 38017.	Mar. 3, 2017	470263
Texas:					
Collin, (FEMA Docket No.: B–1668).	City of Wylie, (16–06–1916P).	The Honorable Eric Hogue, Mayor, City of Wylie, 300 Country Club Road, Building 100, Wylie, TX 75098.	City Hall, 300 Country Club Road, Building 100, Wylie, TX 75098.	Feb. 23, 2017	480759
Dallas, (FEMA Docket No.: B–1665).	City of Irving, (16–06–2472P).	The Honorable Beth Van Duyne, Mayor, City of Irving, 825 West Irving Boulevard, Irving, TX 75060.	Capital Improvement Program Department, Engineering Section, 825 West Irving Boulevard, Irving, TX 75060.	Feb. 21, 2017	480180
Hays, (FEMA Docket No.: B–1668).	Unincorporated areas of Hays County, (16–06–2633P).	The Honorable Bert Cobb, M.D., Hays County Judge, 111 East San Antonio Street, Suite 300, San Marcos, TX 78666.	Hays County Development Services Department, 2171 Yarrington Road, San Marcos, TX 78666.	Mar. 9, 2017	480321
Hidalgo, (FEMA Docket No.: B–1668).	City of McAllen, (16–06–2547P).	The Honorable James E. Darling, Mayor, City of McAllen, P.O. Box 220, McAllen, TX 78505.	Development Engineering Department, 311 North 15th Street, McAllen, TX 78501.	Feb. 21, 2017	480343
Montgomery, (FEMA Docket No.: B–1665).	City of Conroe, (16–06–1340P).	The Honorable Toby Powell, Mayor, City of Conroe, P.O. Box 3066, Conroe, TX 77305.	Department of Public Works, 300 West Davis Street, Conroe, TX 77301.	Feb 17, 2017	480484
Travis, (FEMA Docket No.: B–1665).	City of Pflugerville, (16–06–1416P).	The Honorable Jeff Coleman, Mayor, City of Pflugerville, P.O. Box 589, Pflugerville, TX 78691.	Development Services Department, 201–B East Pecan Street, Pflugerville, TX 78660.	Feb. 21, 2017	481028
Travis, (FEMA Docket No.: B–1665).	Unincorporated areas of Travis County, (16–06–1416P).	The Honorable Sarah Eckhardt, Travis County Judge, P.O. Box 1748, Austin, TX 78767.	Travis County Transportation and Natural Resources Department, 700 Lavaca Street, Austin, TX 78701.	Feb. 21, 2017	481026
Williamson, (FEMA Docket No.: B–1668).	Unincorporated areas of Williamson County, (16–06–0501P).	The Honorable Dan A. Gattis, Williamson County Judge, 710 South Main Street, Suite 101, Georgetown, TX 78626.	Williamson County Engineering Department, 3151 Southeast Inner Loop, Suite B, Georgetown, TX 78626.	Mar. 2, 2017	481079
Wilson, (FEMA Docket No.: B–1656).	City of La Vernia, (16–06–0558P).	The Honorable Robert Gregory, Mayor, City of La Vernia, P.O. Box 225, La Vernia, TX 78121.	City Hall, 102 East Chihuahua Street, La Vernia, TX 78121.	Dec. 8, 2016	481050
Wilson, (FEMA Docket No.: B–1656).	Unincorporated areas of Wilson County, (16–06–0558P).	The Honorable Richard L. Jackson, Wilson County Judge, 1420 3rd Street, Suite 101, Floresville, TX 78114.	Wilson County Emergency Management Department, 800 10th Street, Building B, Floresville, TX 78114.	Dec. 8. 2016	480230
Utah: Morgan, (FEMA Docket No.: B–1668).	City of Morgan City, (16–08–1130P).	The Honorable Ray Little, Mayor, City of Morgan City, P.O. Box 1085, Morgan City, UT 84050.	Building Department, 90 West Young Street, Morgan City, UT 84050.	Feb. 27, 2017	490093
Wyoming:					
Sublette, (FEMA Docket No.: B–1668).	Town of Pinedale, (16–08–0579P).	The Honorable Robert M. Jones, Mayor, Town of Pinedale, 61 Pinedale South Road, Pinedale, WY 82941.	Town Hall, 61 Pinedale South Road, Pinedale, WY 82941.	Feb. 21, 2017	560049
Sublette, (FEMA Docket No.: B–1668).	Unincorporated areas of Sublette County, (16–08–0579P).	The Honorable Andy Nelson, Chairman, Sublette County Board of Commissioners, 21 South Tyler Avenue, Pinedale, WY 82941.	Sublette County Courthouse, 21 South Tyler Avenue, Pinedale, WY 82941.	Feb. 21, 2017	560048

[FR Doc. 2017–10188 Filed 5–18–17; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1701]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency; DHS.

ACTION: Notice; correction.

SUMMARY: On April 5, 2017, FEMA published in the **Federal Register** a proposed flood hazard determination notice that contained an erroneous table. This notice provides corrections to that table, to be used in lieu of the information published at 82 FR 16611. The table provided here represents the proposed flood hazard determinations and communities affected for New Castle County, Delaware and Incorporated Areas.

DATES: Comments are to be submitted on or before August 17, 2017.

ADDRESSES: The Preliminary Flood Insurance Rate Map (FIRM), and where applicable, the Flood Insurance Study (FIS) report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1701, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed in the table below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP may only be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The communities affected by the flood hazard determinations are provided in the table below. Any request for reconsideration of the revised flood hazard determinations shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations will also be considered before the FIRM and FIS report are made final.

Correction

In the proposed flood hazard determination notice published at 82 FR 16611 in the April 5, 2017, issue of the **Federal Register**, FEMA published a table titled ''Brandywine-Christina Watershed''. This table contained inaccurate information as to the online location for the Preliminary FIRM and FIS report featured in the table.

In this document, FEMA is publishing a table containing the accurate information. The information provided below should be used in lieu of that previously published.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: May 2, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Watershed-Based Studies:

Community	Community map repository address
Brandywine-Christina Watershed	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
New Castle County, Delaware and Incorporated Areas	
City of Newark	Planning and Development Department, 220 South Main Street, Newark, DE 19711.
City of New Castle	Public Works Building, 900 Wilmington Road, New Castle, DE 19720.
City of Wilmington	Department of Licensing and Inspection, 800 North French Street, Wilmington, DE 19801.
Town of Elsmere	Town Hall, 11 Poplar Avenue, Elsmere, DE 19805.
Town of Middletown	Town Hall, 19 West Green Street, Middletown, DE 19709.
Town of Newport	Town Administrative Office, 226 North James Street, Newport, DE 19804.
Unincorporated Areas of New Castle County	New Castle County Land Use Department, 87 Reads Way, New Castle, DE 19720.

Community	Community map repository address
Village of Arden	Buzz Ware Village Center, 2119 The Highway, Arden, DE 19810.
Village of Ardentown	New Castle County Land Use Department, 87 Reads Way, New Castle, DE 19720.

[FR Doc. 2017–10183 Filed 5–18–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4312–DR; Docket ID FEMA–2017–0001]

Resighini Rancheria; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Resighini Rancheria (FEMA–4312–DR), dated May 2, 2017, and related determinations.

DATES: Effective May 2, 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 May 2, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage to the lands associated with the Resighini Rancheria resulting from flooding during the period of February 8–11, 2017, is of sufficient severity and magnitude to warrant a major disaster 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 a major disaster exists for the Resighini Rancheria and associated lands.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance permanent work (Categories C–G) and Hazard Mitigation for the Resighini Rancheria and associated lands. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation 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, under Executive Order 12148, as amended, Timothy J. Scranton, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas have been designated as adversely affected by this major disaster:

The Resighini Rancheria for permanent work (Categories C–G) under the Public Assistance program.

The Resighini Rancheria is eligible for assistance under the Hazard Mitigation Grant 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.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–10165 Filed 5–18–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of September 15, 2017 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and

Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: May 2, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Non-watershed-based studies:

Community	Community map repository address
Carroll County, Iowa and Incorporated Areas Docket No.: FEMA–B–1629	
City of Arcadia	City Hall, 205 West Front Street, Arcadia, IA 51430.
City of Carroll	City Hall, 112 East 5th Street, Carroll, IA 51401.
City of Coon Rapids	City Hall, 123 3rd Avenue, Coon Rapids, IA 50058.
City of Dedham	City Hall, 210 Main Street, Dedham, IA 51440.
City of Halbur	City Hall, 238 West 2nd Street, Halbur, IA 51444.
City of Lanesboro	City Hall, 210 East Main Street, Lanesboro, IA 51451.
City of Manning	City Hall, 717 3rd Street, Manning, IA 51455.
Unincorporated Areas of Carroll County	Carroll County Courthouse, 114 East 6th Street, Carroll, IA 51401.

[FR Doc. 2017–10174 Filed 5–18–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of August 2, 2017 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: April 25, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Nassau County, Florida and Incorporated Areas Docket No.: FEMA–B–1617	
City of Fernandina Beach	City Hall, 204 Ash Street, Fernandina Beach, FL 32034.
Unincorporated Areas of Nassau County	Nassau County Building Department, 96161 Nassau Place, Yulee, FL 32097.

[FR Doc. 2017–10186 Filed 5–18–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1710]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before August 17, 2017.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1710, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: May 2, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Watershed-based studies:

Community	Community map repository address
Upper Little Blue Watershed	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Adams County, Nebraska and Incorporated Areas	
City of Hastings	220 North Hastings Avenue, Hastings, NE 68901.
Unincorporated Areas of Adams County	415 North Adams Central Avenue, Juniata, NE 68955.
Village of Ayr	4075 West Lincoln Street, Ayr, NE 68925.
Village of Holstein	9710 South Main Avenue, Holstein, NE 68950.
Village of Juniata	911 North Juniata Avenue, Juniata, NE 68955.
Village of Kenesaw	109 North Smith Avenue, Kenesaw, NE 68956.
Village of Roseland	9230 South Lincoln Avenue, Roseland, NE 68973.
Village of Trumbull	131 Main Street, Trumbull, NE 68980.
Clay County, Nebraska and Incorporated Areas	
City of Clay Center	City Office, 219 West Fairfield Street, Clay Center, NE 68933.
City of Edgar	City Office, 508 3rd Street, Edgar, NE 68935.
City of Fairfield	City Office, 302 D Street, Fairfield, NE 68938.
City of Sutton	City Office, 107 West Grove Street, Sutton, NE 68979.
Unincorporated Areas of Clay County	Clay County Courthouse, 111 West Fairfield Street, Clay Center, NE 68933.
Village of Deweese	Village Office, 101 Lena Street, Deweese, NE 68934.
Village of Saronville	Village Office, 102 North Main Street, Saronville, NE 68975.
Village of Trumbull	Village Office, 131 Main Street, Trumbull, NE 68980.

Community	Community map repository address
Tualatin Watershed	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Washington County, Oregon and Incorporated Areas	
City of Beaverton	Community Development Department, 12725 Southwest Millikan Way, Beaverton, OR 97005.
City of Forest Grove	City Hall, 1924 Council Street, Forest Grove, OR 97116.
City of Hillsboro	Civic Center, 150 East Main Street, Hillsboro, OR 97123.
City of King City	City Hall, 15300 Southwest 116th Avenue, King City, OR 97224.
City of North Plains	City Hall, 31360 Northwest Commercial Street, North Plains, OR 97133.
City of Sherwood	City Hall, 22560 Southwest Pine Street, Sherwood, OR 97140.
City of Tigard	City Hall, 13125 Southwest Hall Boulevard, Tigard, OR 97223.
City of Tualatin	City Hall, 18880 Southwest Martinazzi Avenue, Tualatin, OR 97062.
Unincorporated Areas of Washington County	Washington County Public Services Building, 155 North First Avenue, Suite 350, Hillsboro, OR 97124.

II. Non-watershed-based studies:

Community	Community map repository address
Lincoln County, Missouri and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 16–07–1461S Preliminary Date: September 30, 2016	
City of Moscow Mills	City Hall, 995 Main Street, Moscow Mills, MO 63362.
City of Troy	City Hall, 800 Cap Au Gris Street, Troy, MO 63379.
Unincorporated Areas of Lincoln County	Lincoln County Offices, 250 West College Street, Troy, MO 63379.

Community	Community map repository address
Tillamook County, Oregon and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 11–10–0349S Preliminary Date: December 9, 2016	
City of Bay City	City Hall, 5525 B Street, Bay City, OR 97107.

Community	Community map repository address
City of Garibaldi	City Hall, 107 6th Street, Garibaldi, OR 97118.
City of Manzanita	City Hall, 543 Laneda Avenue, Manzanita, OR 97130.
City of Nehalem	City Hall, 35900 8th Street, Nehalem, OR 97131.
City of Rockaway Beach	City Hall, 276 Highway 101 South, Rockaway Beach, OR 97136.
City of Wheeler	City Hall, 775 Nehalem Boulevard, Wheeler, OR 97147.
Unincorporated Areas of Tillamook County	Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, OR 97141.

Community	Community map repository address
Mason County, Washington and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 11–10–0427S Preliminary Date: August 30, 2016	
City of Shelton	City Hall, 525 West Cota Street, Shelton, WA 98584.
Skokomish Indian Tribe	Skokomish Tribal Center, 80 North Tribal Center Road, Skokomish Nation, WA 98584.
Squaxin Island Tribe	Squaxin Island Tribal Center, 10 Southeast Squaxin Lane, Shelton, WA 98584.
Unincorporated Areas of Mason County	Mason County Public Works, 100 West Public Works Drive, Shelton, WA 98584.

Community	Community map repository address
Marathon County, Wisconsin and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 16–05–1484S Preliminary Date: December 1, 2016	
City of Schofield	Public Works, 200 Park Street, Schofield, WI 54476.
City of Wausau	City Inspections Department, 407 Grant Street, Wausau, WI 54403.
Unincorporated Areas of Marathon County	Marathon County Conservation, Planning and Zoning Office, 210 River Drive, Wausau, WI 54403.
Village of Rothschild	Village Hall, 211 Grand Avenue, Rothschild, WI 54474.

[FR Doc. 2017–10176 Filed 5–18–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1716]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before August 17, 2017.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1716, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act

of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf*.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: May 2, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Non-watershed-based studies:

Community	Community map repository address
Los Angeles County, California and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 12–09–1165S Preliminary Date: October 28, 2016	
City of El Segundo	City Hall, 350 Main Street, El Segundo, CA 90245.
City of Hermosa Beach	City Hall, 1315 Valley Drive, Hermosa Beach, CA 90254.
City of Long Beach	City Hall, 333 West Ocean Boulevard, 9th Floor, Long Beach, CA 90802.
City of Los Angeles	Department of Public Works, 1149 South Broadway, Suite 810, Los Angeles, CA 90015.
City of Malibu	City Hall, 23825 Stuart Ranch Road, Malibu, CA 90265.
City of Manhattan Beach	City Hall, 1400 Highland Avenue, Manhattan Beach, CA 90266.
City of Palos Verdes Estates	City Hall, 340 Palos Verdes Drive West, Palos Verdes Estates, CA 90274.
City of Rancho Palos Verdes	City Hall, 30940 Hawthorne Boulevard, Rancho Palos Verdes, CA 90275.
City of Redondo Beach	Planning Division, 415 Diamond Street, Redondo Beach, CA 90277.
City of Santa Monica	Department of Public Works, 1685 Main Street, Santa Monica, CA 90401.
City of Torrance	Community Development, 3031 Torrance Boulevard, Torrance, CA 90503.
Unincorporated Areas of Los Angeles County	Los Angeles County Watershed Manangement Division, 900 South Fremont Avenue, Alhambra, CA 91803.
Lincoln County, Oregon and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 11–10–0350S Preliminary Dates: August 5, 2016, February 27, 2017	
City of Depoe Bay	City Hall, 570 Southeast Shell Avenue, Depoe Bay, OR 97341.
City of Lincoln City	City Hall, 801 Southwest Highway 101, Lincoln City, OR 97367.
City of Newport	City Hall, 169 Southwest Coast Highway, Newport, OR 97365.
City of Siletz	City Hall, 215 West Buford Avenue, Siletz, OR 97380.
City of Toledo	City Hall, 206 North Main Street, Toledo, OR 97391.
City of Waldport	City Hall, 125 Alsea Highway, Waldport, OR 97394.
City of Yachats	City Hall, 441 North Highway 101, Yachats, OR 97498.
Confederated Tribes of Siletz Indians	Administration Building, 201 Southeast Swan Avenue, Siletz, OR 97380.
Unincorporated Areas of Lincoln County	Lincoln County Planning Department, 210 Southwest 2nd Street, Newport, OR 97365.

[FR Doc. 2017–10193 Filed 5–18–17; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1711]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: April 25, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Arizona:						
Yavapai	Town of Prescott Valley, (16–09–1866P).	The Honorable Harvey C. Skoog, Mayor, Town of Prescott Valley, 7501 East Civic Circle, Prescott Valley, AZ 86314.	Engineering Division, 7501 East Civic Circle, Prescott Valley, AZ 86314.	*http://www.msc.fema.gov/lomc.*	Jun. 20, 2017	040121.
Yavapai	Unincorporated areas of Yavapai County, (16–09–1866P).	The Honorable Thomas Thurman, Chairman, Yavapai County Board of Supervisors, 1400 Orchard Court, Dewey, AZ 86327.	Yavapai County Flood Control District, 1120 Commerce Drive, Prescott, AZ 86305.	*http://www.msc.fema.gov/lomc.*	Jun. 20, 2017	040093.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Arkansas: Benton ..	Unincorporated areas of Benton County, (16–06–4287P).	The Honorable Barry Moehring, Benton County Judge, 215 East Central Avenue, Bentonville, AR 72712.	Benton County Development Department, 905 Northwest 8th Street, Bentonville, AR 72712.	*http://www.msc.fema.gov/lomc.*	Jun. 15, 2017	050419.
Colorado:						
Boulder	City of Boulder, (17–08–0151P).	The Honorable Suzanne Jones, Mayor, City of Boulder, P.O. Box 791, Boulder, CO 80306.	Municipal Building, 1777 Broadway Street, Boulder, CO 80302.	*http://www.msc.fema.gov/lomc.*	Jun. 20, 2017	080024.
El Paso	Unincorporated areas of El Paso County, (16–08–1065P).	The Honorable Darryl Glenn, President, El Paso County, Board of Commissioners, 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903.	El Paso County Regional Building Department, 2880 International Circle, Colorado Springs, CO 80910.	*http://www.msc.fema.gov/lomc.*	Jun. 15, 2017	080059.
Jefferson	City of Golden, (16–08–1269P).	The Honorable Marjorie N. Sloan, Mayor, City of Golden, 911 10th Street, Golden, CO 80401.	Planning and Public Works Department, 1445 10th Street, Golden, CO 80401.	*http://www.msc.fema.gov/lomc.*	Jun. 23, 2017	080090.
Jefferson	City of Lakewood, (16–08–1275P).	The Honorable Adam Paul, Mayor, City of Lakewood, 480 South Allison Parkway, Lakewood, CO 80226.	Public Works Department, 480 South Allison Parkway, Lakewood, CO 80226.	*http://www.msc.fema.gov/lomc.*	Jun. 2, 2017	085075.
Weld	Unincorporated areas of Weld County, (16–08–0665P).	The Honorable Mike Freeman, Chairman, Weld County, Board of Commissioners, P.O. Box 758, Greeley, CO 80632.	Weld County Commissioner's Office, 915 10th Street, Greeley, CO 80632.	*http://www.msc.fema.gov/lomc.*	Jun. 20, 2017	085266.
Weld	Unincorporated areas of Weld County, (16–08–0734P).	The Honorable Mike Freeman, Chairman, Weld County, Board of Commissioners, P.O. Box 758, Greeley, CO 80632.	Weld County Commissioner's Office, 915 10th Street, Greeley, CO 80632.	*http://www.msc.fema.gov/lomc.*	Jun. 21, 2017	085266.
Connecticut:						
Middlesex	Town of Clinton, (16–01–2812P).	The Honorable Bruce N. Farmer, First Selectman, Town of Clinton Board of Selectmen, 54 East Main Street, Clinton, CT 06413.	Planning and Zoning Department, 54 East Main Street, Clinton, CT 06413.	*http://www.msc.fema.gov/lomc.*	Jun. 30, 2017	090061.
Middlesex	Town of Cromwell, (16–01–2223P).	Mr. Anthony J. Salvatore, Manager, Town of Cromwell, 41 West Street, Cromwell, CT 06416.	Town Hall, 41 West Street, Cromwell, CT 06416.	*http://www.msc.fema.gov/lomc.*	Jun. 15, 2017	090123.
Florida:						
Broward	City of Parkland, (16–04–7729P).	The Honorable Christine Hunschofsky, Mayor, City of Parkland, 6600 University Drive, Parkland, FL 33067.	Building Division, 6600 University Drive, Parkland, FL 33067.	*http://www.msc.fema.gov/lomc.*	Jun. 20, 2017	120051.
Lee	City of Sanibel, (16–04–7608P).	The Honorable Kevin Ruane, Mayor, City of Sanibel, 800 Dunlop Road, Sanibel, FL 33957.	Planning and Code Enforcement Department, 800 Dunlop Road, Sanibel, FL 33957.	*http://www.msc.fema.gov/lomc.*	Jun. 30, 2017	120402.
Lee	City of Sanibel, (17–04–0941P).	The Honorable Kevin Ruane, Mayor, City of Sanibel, 800 Dunlop Road, Sanibel, FL 33957.	Planning and Code Enforcement Department, 800 Dunlop Road, Sanibel, FL 33957.	*http://www.msc.fema.gov/lomc.*	Jun. 23, 2017	120402.
Lee	Town of Fort Myers Beach (17–04–1151P).	The Honorable Dennis C. Boback, Mayor, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931.	Community Development Department, 2525 Estero Boulevard, Fort Myers Beach, FL 33931.	*http://www.msc.fema.gov/lomc.*	Jun. 29, 2017	120673.
Leon	City of Tallahassee, (16–04–3774P).	The Honorable Andrew Gillum, Mayor, City of Tallahassee, 300 South Adams Street, Tallahassee, FL 32301.	Stormwater Management Division, 300 South Adams Street, Tallahassee, FL 32301.	*http://www.msc.fema.gov/lomc.*	May 30, 2017	120144.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Monroe	City of Key West, (17–04–1155P).	The Honorable Craig Cates, Mayor, City of Key West, 1300 White Street, Key West, FL 33040.	Building Department, 1300 White Street, Key West, FL 33040.	*http://www.msc.fema.gov/lomc.*	Jun. 23, 2017	120168.
Monroe	Unincorporated areas of Monroe County, (17–04–1155P).	The Honorable George Neugent, Mayor, Monroe County, Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	*http://www.msc.fema.gov/lomc.*	Jun. 23, 2017	125129.
Monroe	Village of Islamorada, (16–04–7741P).	The Honorable Jim Mooney, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Planning and Development Services Department, 86800 Overseas Highway, Islamorada, FL 33036.	*http://www.msc.fema.gov/lomc.*	Jun. 16, 2017	120424.
Osceola	City of St. Cloud, (17–04–2758P).	The Honorable Rebecca Borders, Mayor, City of St. Cloud, 1300 9th Street, St. Cloud, FL 34769.	Public Services Department, 1300 9th Street, St. Cloud, FL 34769.	*http://www.msc.fema.gov/lomc.*	Jul. 5, 2017	120191.
Osceola	Unincorporated areas of Osceola County, (17–04–2758P).	The Honorable Brandon Arrington, Chairman, Osceola County Board of Commissioners, 1 Courthouse Square, Suite 4700, Kissimmee, FL 34741.	Osceola County Community Development Department, 1 Courthouse Square, Suite 1400, Kissimmee, FL 34741.	*http://www.msc.fema.gov/lomc.*	Jul. 5, 2017	120189.
Pinellas	City of St. Petersburg, (15–04–9249P).	The Honorable Rick Kriseman, Mayor, City of St. Petersburg, 175 5th Street North, St. Petersburg, FL 33701.	Municipal Services Center, Permit Division, 1 4th Street North, St. Petersburg, FL 33701.	*http://www.msc.fema.gov/lomc.*	Jun. 8, 2017	125148.
Polk	Unincorporated areas of Polk County, (17–04–2106P).	The Honorable John E. Hall, Chairman, Polk County, Board of Commissioners, P.O. Box 9005, Drawer BC01, Bartow, FL 33831.	Polk County Land Development Division, 330 West Church Street, Bartow, FL 33830.	*http://www.msc.fema.gov/lomc.*	Jun. 1, 2017	120261.
Georgia: Gwinnett	Unincorporated areas of Gwinnett County, (16–04–7239P).	The Honorable Charlotte J. Nash, Chair, Gwinnett County, Board of Commissioners, 75 Langley Drive, Lawrenceville, GA 30046.	Gwinnett County Stormwater Management Division, 684 Winder Highway, Lawrenceville, GA 30045.	*http://www.msc.fema.gov/lomc.*	Jun. 5, 2017	130322.
Maine: Oxford	Town of Rumford, (16–01–2320P).	Mr. John E. Madigan, Jr., Manager, Town of Rumford, 145 Congress Street, Rumford, ME 04276.	Municipal Office Building, 145 Congress Street, Rumford, ME 04276.	*http://www.msc.fema.gov/lomc.*	Jun. 1, 2017	230099.
Maryland:						
Baltimore	Unincorporated areas of Baltimore County, (16–03–1236P).	The Honorable Kevin Kamenetz, Baltimore County Executive, 400 Washington Avenue, Towson, MD 21204.	Public Works Department, 111 West Chesapeake Avenue, Suite 307, Towson, MD 21204.	*http://www.msc.fema.gov/lomc.*	Jun. 20, 2017	240010.
Harford	City of Havre de Grace, (16–03–2684P).	The Honorable William T. Martin, Mayor, City of Havre de Grace, 711 Pennington Avenue, Havre de Grace, MD 21078.	Department of Planning, 711 Pennington Avenue, Havre de Grace, MD 21078.	*http://www.msc.fema.gov/lomc.*	Jun. 19, 2017	240043.
New Hampshire:						
Hillsborough	Town of Hancock, (16–01–2528P).	The Honorable John Jordan, Chairman, Town of Hancock Selectboard, P.O. Box 6, Hancock, NH 03449.	Town Hall, 50 Main Street, Hancock, NH 03449.	*http://www.msc.fema.gov/lomc.*	Jun. 22, 2017	330089.
Rockingham	Town of Salem, (16–01–2177P).	The Honorable James S. Keller, Chairman, Town of Salem Board of Selectmen, 33 Geremonty Drive, Salem, NH 03079.	Town Hall, 33 Geremonty Drive, Salem, NH 03079.	*http://www.msc.fema.gov/lomc.*	Jun. 16, 2017	330142.
North Carolina:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Randolph	Unincorporated areas of Randolph County, (16–04–5817P).	The Honorable David Allen, Chairman, Randolph County Board of Commissioners, 725 McDowell Road, Asheboro, NC 27205.	Randolph County Planning and Zoning Department, 204 East Academy Street, Asheboro, NC 27203.	*http://www.msc.fema.gov/lomc.*	May 30, 2017	370403.
Surry	Unincorporated areas of Surry County, (17–04–1025P).	The Honorable Eddie Harris, Chairman, Surry County Board of Commissioners, 118 Hamby Road, Dobson, NC 27017.	Surry County Planning and Development Department, 122 Hamby Road, Dobson, NC 27017.	*http://www.msc.fema.gov/lomc.*	Jun. 21, 2017	370364.
Oklahoma:						
Cleveland	City of Norman, (16–06–2604P).	The Honorable Lynne Miller, Mayor, City of Norman, P.O. Box 370, Norman, OK 73070.	Department of Public Works, 201 West Gray Street, Norman, OK 73069.	*http://www.msc.fema.gov/lomc.*	May 31, 2017	400046.
Osage	City of Tulsa, (17–06–0847P).	The Honorable G. T. Bynum, Mayor, City of Tulsa, 175 East 2nd Street, 15th Floor, Tulsa, OK 74103.	Planning and Development Department, 175 East 2nd Street, 4th Floor, Tulsa, OK 74103.	*http://www.msc.fema.gov/lomc.*	Jun. 21, 2017	405381.
South Carolina: Charleston.	City of Charleston, (17–04–1149P).	The Honorable John J. Tecklenburg, Mayor, City of Charleston, P.O. Box 652, Charleston, SC 29402.	Building Inspections Department, 2 George Street, Charleston, SC 29401.	*http://www.msc.fema.gov/lomc.*	Jul. 3, 2017	.....
Texas:						
Bexar	City of San Antonio, (16–06–3466P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Stormwater Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	*http://www.msc.fema.gov/lomc.*	Jun. 6, 2017	480045.
Bexar	City of San Antonio, (16–06–4371P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Stormwater Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	*http://www.msc.fema.gov/lomc.*	Jun. 29, 2017	480045.
Collin	City of Richardson, (16–06–3349P).	The Honorable Paul Voelker, Mayor, City of Richardson, P.O. Box 830309, Richardson, TX 75083.	City Hall, 411 West Arapaho Road, Richardson, TX 75080.	*http://www.msc.fema.gov/lomc.*	Jun. 8, 2017	480184.
Collin	Town of Prosper, (16–06–4255P).	The Honorable Ray Smith, Mayor, Town of Prosper, P.O. Box 307, Prosper, TX 75078.	Engineering Services Department, 407 East 1st Street, Prosper, TX 75078.	*http://www.msc.fema.gov/lomc.*	May 25, 2017	480141.
Dallas	City of Irving, (16–06–2467P).	The Honorable Beth Van Duyne, Mayor, City of Irving, 825 West Irving Boulevard, Irving, TX 75060.	Capital Improvement Program Department, Engineering Section, 825 West Irving Boulevard, Irving, TX 75060.	*http://www.msc.fema.gov/lomc.*	May 30, 2017	480180.
Fort Bend	City of Missouri City, (16–06–2183P).	The Honorable Allen Owen, Mayor, City of Missouri City, 1522 Texas Parkway, Missouri City, TX 77489.	Public Works Department, 1522 Texas Parkway, Missouri City, TX 77489.	*http://www.msc.fema.gov/lomc.*	Jun. 27, 2017	480304.
Fort Bend	Fort Bend County M.U.D.#23, (16–06–2183P).	The Honorable William Thomas, President, Fort Bend County M.U.D.#23 Board of Directors, 3200 Southwest Freeway, Suite 2600, Houston, TX 77027.	Fort Bend County Engineering Department, 301 Jackson Street, Richmond, TX 77469.	*http://www.msc.fema.gov/lomc.*	Jun. 27, 2017	481590.
Fort Bend	Unincorporated areas of Fort Bend County, (16–06–2183P).	The Honorable Robert Hebert, Fort Bend County Judge, 401 Jackson Street, Richmond, TX 77469.	Fort Bend County Engineering Department, 301 Jackson Street, Richmond, TX 77469.	*http://www.msc.fema.gov/lomc.*	Jun. 27, 2017	480228.
Hays	City of San Marcos, (16–06–3604P).	The Honorable John Thomaides, Mayor, City of San Marcos, 630 East Hopkins Street, San Marcos, TX 78666.	Engineering Department, 630 East Hopkins Street, San Marcos, TX 78666.	*http://www.msc.fema.gov/lomc.*	Jun. 23, 2017	485505.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Virginia: Prince William.	Unincorporated areas of Prince William County, (16–03–1829P).	Mr. Christopher E. Martino, Prince William County Executive, 1 County Complex Court, Prince William, VA 22192.	Prince William County Department of Public Works, 5 County Complex Court, Prince William, VA 22192.	*http://www.msc.fema.gov/lomc.*	Jun. 15, 2017	510119.

[FR Doc. 2017–10184 Filed 5–18–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1715]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: April 25, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Arkansas:						
Crawford	City of Van Buren (17–06–1187X).	The Honorable Robert Freeman, Mayor, City of Van Buren, 1003 Broadway Street, Van Buren, AR 72956.	Public Works Department, 1003 Broadway Street, Van Buren, AR 72956.	*http://www.msc.fema.gov/lomc*	Jun. 29, 2017	050053
Crawford	Unincorporated areas of Crawford County (17–06–1187X).	The Honorable Dennis Gilstrap, Crawford County Judge, 300 Main Street, Room 4, Van Buren, AR 72956.	Crawford County Department of Emergency Management, 1820 Chestnut Street, Van Buren, AR 72956.	*http://www.msc.fema.gov/lomc*	Jun. 29, 2017	050428
Colorado:						
Boulder	City of Lafayette (16–08–1034P).	The Honorable Christine Berg, Mayor, City of Lafayette, 1290 South Public Road, Lafayette, CO 80026.	Planning Department, 1290 South Public Road, Lafayette, CO 80026.	*http://www.msc.fema.gov/lomc*	Jul. 19, 2017	080026
Boulder	Unincorporated areas of Boulder County (16–08–1034P).	The Honorable Deb Gardner, Chair, Boulder County Board of Commissioners, P.O. Box 471, Boulder, CO 80306.	Boulder County Transportation Department, 2525 13th Street, Suite 203, Boulder, CO 80306.	*http://www.msc.fema.gov/lomc*	Jul. 19, 2017	080023
Florida:						
Manatee	City of Bradenton (17–04–0078P).	The Honorable Wayne H. Poston, Mayor, City of Bradenton, 101 Old Main Street West, Bradenton, FL 34205.	Building and Construction Services Department, 101 Old Main Street West, Bradenton, FL 34205.	*http://www.msc.fema.gov/lomc*	Jul. 5, 2017	120155
Monroe	Unincorporated areas of Monroe County (17–04–1942P).	The Honorable George Neugent, Mayor, Monroe County Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	*http://www.msc.fema.gov/lomc*	Jul. 12, 2017	125129
Pinellas	City of South Pasadena (16–04–7573P).	The Honorable Max V. Elson, Mayor, City of South Pasadena, 7047 Sunset Drive South, South Pasadena, FL 33707.	Community Improvement Department, 6940 Hibiscus Avenue South, South Pasadena, FL 33707.	*http://www.msc.fema.gov/lomc*	Jul. 3, 2017	125151
Pinellas	City of South Pasadena (16–04–7574P).	The Honorable Max V. Elson, Mayor, City of South Pasadena, 7047 Sunset Drive South, South Pasadena, FL 33707.	Community Improvement Department, 6940 Hibiscus Avenue South, South Pasadena, FL 33707.	*http://www.msc.fema.gov/lomc*	Jul. 6, 2017	125151
Pinellas	City of South Pasadena (17–04–1269P).	The Honorable Max V. Elson, Mayor, City of South Pasadena, 7047 Sunset Drive South, South Pasadena, FL 33707.	Community Improvement Department, 6940 Hibiscus Avenue South, South Pasadena, FL 33707.	*http://www.msc.fema.gov/lomc*	Jul. 11, 2017	125151
Massachusetts: Essex.	City of Salem (17–01–0584P).	The Honorable Kimberley Driscoll, Mayor, City of Salem, 93 Washington Street, Salem, MA 01970.	Department of Planning and Community Development, 120 Washington Street, 3rd Floor, Salem, MA 01970.	*http://www.msc.fema.gov/lomc*	Jul. 14, 2017	250102
Montana:						
Musselshell	City of Roundup (16–08–1129P).	The Honorable Sandy Jones, Mayor, City of Roundup, 34 3rd Avenue West, Roundup, MT 59072.	City Hall, 34 3rd Avenue West, Roundup, MT 59072.	*http://www.msc.fema.gov/lomc*	Jul. 13, 2017	300050
Musselshell	Unincorporated areas of Musselshell County (16–08–1129P).	The Honorable Bryan Adolph, Chairman, Musselshell County Board of Commissioners, 506 Main Street, Roundup, MT 59072.	Musselshell County Planning and Growth Department, 506 Main Street, Roundup, MT 59072.	*http://www.msc.fema.gov/lomc*	Jul. 13, 2017	300174
Powell	City of Deer Lodge (16–08–1007P).	The Honorable Zane Cozby, Mayor, City of Deer Lodge, 300 Main Street, Deer Lodge, MT 59722.	City Hall, 300 Main Street, Deer Lodge, MT 59722.	*http://www.msc.fema.gov/lomc*	Jul. 6, 2017	300060

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Powell	Unincorporated areas of Powell County (16–08–1007P).	The Honorable Ralph "Rem" Mannix, Jr., Chairman, Powell County Board of Commissioners, 409 Missouri Avenue, Suite 101, Deer Lodge, MT 59722.	Powell County Planning Department, 409 Missouri Avenue, Suite 101, Deer Lodge, MT 59722.	*http://www.msc.fema.gov/lomc*	Jul. 6, 2017	300059
Nevada:						
Clark	City of Henderson (17–09–0463P).	The Honorable Andy Hafen, Mayor, City of Henderson, P.O. Box 95050, Henderson, NV 89002.	Public Works Department, 240 South Water Street, Henderson, NV 89015.	*http://www.msc.fema.gov/lomc*	Jul. 13, 2017	320005
Clark	Unincorporated areas of Clark County (17–09–0463P).	The Honorable Steve Sisolak, Chairman, Clark County Board of Commissioners, 500 South Grand Central Parkway, Las Vegas, NV 89155.	Clark County Public Works Department, 500 South Grand Central Parkway, Las Vegas, NV 89155.	*http://www.msc.fema.gov/lomc*	Jul. 13, 2017	320003
New Mexico: Bernalillo.	Unincorporated areas of Bernalillo County (16–06–3838P).	The Honorable Debbie O'Malley, Chair, Bernalillo County Board of Commissioners, 1 Civic Plaza Northwest, Albuquerque, NM 87102.	Bernalillo County Public Works Division, 2400 Broadway Boulevard Southeast, Albuquerque, NM 87102.	*http://www.msc.fema.gov/lomc*	Jul. 3, 2017	350001
North Carolina:						
Ashe	Unincorporated areas of Ashe County (16–04–3324P).	The Honorable William Sands, Chairman, Ashe County Board of Commissioners, 150 Government Circle, Suite 2500, Jefferson, NC 28640.	Ashe County Planning Department, 150 Government Circle, Jefferson, NC 28640.	*http://www.msc.fema.gov/lomc*	Jun. 2, 2017	370007
Burke	Unincorporated areas of Burke County (16–04–8212P).	The Honorable Jeffrey C. Brittain, P.E., Chairman, Burke County Board of Commissioners, P.O. Box 219, Morganton, NC 28680.	Burke County Community Development Department, 110 North Green Street, Morganton, NC 28655.	*http://www.msc.fema.gov/lomc*	Jun. 29, 2017	370034
Greene	Unincorporated areas of Greene County (16–04–3348P).	The Honorable Bennie Heath, Chairman, Greene County Board of Commissioners, 229 Kingold Boulevard, Suite D, Snow Hill, NC 28580.	Greene County Department of Building Inspections, 104 Hines Street, Snow Hill, NC 28580.	*http://www.msc.fema.gov/lomc*	Mar. 9, 2017	370378
Watauga	Unincorporated areas of Watauga County (16–04–3324P).	The Honorable John Welch, Chairman, Watauga County Board of Commissioners, 814 West King Street, Suite 205, Boone, NC 28607.	Watauga County Planning and Inspections Department, 331 Queen Street, Room A, Boone, NC 28607.	*http://www.msc.fema.gov/lomc*	Jun. 2, 2017	370251
Pennsylvania:						
Jefferson	Borough of Reynoldsville (16–03–1758P).	The Honorable Thomas J. Sliwinski, President, Borough of Reynoldsville Council, 460 East Main Street, Suite 5, Reynoldsville, PA 15851.	Borough Hall, 460 East Main Street, Suite 5, Reynoldsville, PA 15851.	*http://www.msc.fema.gov/lomc*	Jul. 3, 2017	420513
Monroe	Borough of Stroudsburg (16–03–2051P).	The Honorable Ken Lang, President, Borough of Stroudsburg Council, 700 Sarah Street, Stroudsburg, PA 18360.	Municipal Building, 700 Sarah Street, Stroudsburg, PA 18360.	*http://www.msc.fema.gov/lomc*	Jul. 5, 2017	420694
Monroe	Township of Stroud (16–03–2051P).	The Honorable Daryl Eppley, Chairman, Township of Stroud Board of Supervisors, 1211 North 5th Street, Stroudsburg, PA 18360.	Zoning Department, 1211 North 5th Street, Stroudsburg, PA 18360.	*http://www.msc.fema.gov/lomc*	Jul. 5, 2017	420693
Texas:						
Hays	Unincorporated areas of Hays County (16–06–3012P).	The Honorable Bert Cobb, M. D., Hays County Judge, 111 East San Antonio Street, Suite 300, San Marcos, TX 78666.	Hays County Development Services Department, 2171 Yarrington Road, San Marcos, TX 78666.	*http://www.msc.fema.gov/lomc*	Jul. 6, 2017	480321

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Williamson	City of Leander (17–06–0007P).	The Honorable Christopher Fielder, Mayor, City of Leander, P.O. Box 319, Leander, TX 78646.	Engineering Department, 200 West Willis Street, Leander, TX 78641.	*http://www.msc.fema.gov/lomc*	Jul. 20, 2017	481536
Williamson	Unincorporated areas of Williamson County (17–06–0007P).	The Honorable Dan A. Gattis, Williamson County Judge, 710 South Main Street, Suite 101, Georgetown, TX 78626.	Williamson County Engineering Department, 3151 Southeast Inner Loop, Suite B, Georgetown, TX 78626.	*http://www.msc.fema.gov/lomc*	Jul. 20, 2017	481079
Williamson	Unincorporated areas of Williamson County (17–06–0666P).	The Honorable Dan A. Gattis, Williamson County Judge, 710 South Main Street, Suite 101, Georgetown, TX 78626.	Williamson County Engineering Department, 3151 Southeast Inner Loop, Suite B, Georgetown, TX 78626.	*http://www.msc.fema.gov/lomc*	Jul. 20, 2017	481079
Virginia:						
Stafford	Unincorporated areas of Stafford County (16–03–2418P).	Mr. Thomas C. Foley, Stafford County Administrator, P.O. Box 339, Stafford, VA 22555.	Stafford County Planning and Zoning Department, 1300 Courthouse Road, Stafford, VA 22554.	*http://www.msc.fema.gov/lomc*	Jun. 15, 2017	510154
Washington	Unincorporated areas of Washington County (16–03–2548P).	The Honorable Randy L. Pennington, Chairman, Washington County Board of Supervisors, 1 Government Center Place, Suite A, Abingdon, VA 24210.	Washington County Department of Zoning Administration, 1 Government Center Place, Suite A, Abingdon, VA 24210.	*http://www.msc.fema.gov/lomc*	Jul. 13, 2017	510168
Washington	Unincorporated areas of Washington County (17–03–0603P).	The Honorable Randy L. Pennington, Chairman, Washington County Board of Supervisors, 1 Government Center Place, Suite A, Abingdon, VA 24210.	Washington County Department of Zoning Administration, 1 Government Center Place, Suite A, Abingdon, VA 24210.	*http://www.msc.fema.gov/lomc*	Jul. 20, 2017	510168

[FR Doc. 2017–10182 Filed 5–18–17; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of June 21, 2017 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.''

Dated: April 25, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Watershed-Based Studies

Community	Community map repository address
James Headwaters Watershed	
Foster County, North Dakota and Incorporated Areas Docket No.: FEMA–B–1547	
Unincorporated Areas of Foster County	Foster County Courthouse, 1000 5th Street North, Carrington, ND 58421.

[FR Doc. 2017–10178 Filed 5–18–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of August 15, 2017 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: May 2, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Washington County, Maryland and Incorporated Areas Docket No.: FEMA–B–1523	
City of Hagerstown	City Hall, 1 East Franklin Street, Hagerstown, MD 21740.
Town of Boonsboro	Town Hall, 21 North Main Street, Boonsboro, MD 21713.
Town of Clear Spring	Town Hall, 146 Cumberland Street, Clear Spring, MD 21722.
Town of Funkstown	Town Hall, 30 East Baltimore Street, Funkstown, MD 21734.
Town of Hancock	Town Hall, 126 West High Street, Hancock, MD 21750.
Town of Keedysville	Town Hall, 19 South Main Street, Keedysville, MD 21756.
Town of Sharpsburg	Town Hall, 106 East Main Street, Sharpsburg, MD 21782.
Town of Smithsburg	Town Hall, 21 West Water Street, Smithsburg, MD 21783.

Community	Community map repository address
Town of Williamsport	Town Hall, 2 North Conococheague Street, Williamsport, MD 21795.
Unincorporated Areas of Washington County	Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown, MD 21740.
Jim Wells County, Texas and Incorporated Areas Docket No.: FEMA–B–1603	
City of Alice	City Hall, 500 East Main Street, Alice, TX 78332.
City of Premont	City Hall, 200 Southwest 1st Street, Premont, TX 78375.
City of San Diego	City Hall, 404 South Mier Street, San Diego, TX 78384.
Unincorporated Areas of Jim Wells County	Jim Wells County Courthouse, 200 North Almond Street, Alice, TX 78332.

[FR Doc. 2017–10169 Filed 5–18–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1471]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency; DHS.

ACTION: Notice; correction.

SUMMARY: On March 16, 2015, FEMA published in the **Federal Register** a proposed flood hazard determination notice that requires amendment to the information in the table. This notice provides corrections to the table, to be used in lieu of the information published at 80 FR 13594. The table provided here represents the proposed flood hazard determinations and communities affected for Cape May County, New Jersey (All Jurisdictions).

DATES: Comments are to be submitted on or before August 17, 2017.

ADDRESSES: The Preliminary Flood Insurance Rate Map (FIRM), and where applicable, the Flood Insurance Study (FIS) report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1471, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed in the table below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP may only be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The communities affected by the flood hazard determinations are provided in the table below. Any request for reconsideration of the revised flood hazard determinations shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations will also be considered before the FIRM and FIS report are made final.

Correction

In the proposed flood hazard determination notice published at 80 FR 13594 in the March 16, 2015, issue of the **Federal Register**, FEMA published a table titled ''Cape May County, New Jersey (All Jurisdictions)''. This table requires amendment as to communities affected by the proposed flood hazard determinations featured in the table.

In this document, FEMA is publishing a table containing the accurate information. The information provided below should be used in lieu of that previously published.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: May 2, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Cape May County, New Jersey (All Jurisdictions)	
Maps available for inspection online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Borough of Avalon	Construction Office, 3100 Dune Drive, Avalon, NJ 08202.
Borough of Cape May Point	Clerk's Office, 215 Lighthouse Avenue, Cape May Point, NJ 08212.
Borough of Stone Harbor	Construction Office, 9508 Second Avenue, Stone Harbor, NJ 08247.
Borough of West Cape May	Borough Hall, 732 Broadway, West Cape May, NJ 08204.
Borough of West Wildwood	Borough Hall, 701 West Glenwood Avenue, West Wildwood, NJ 08260.
Borough of Wildwood Crest	Construction Department, 6101 Pacific Avenue, Wildwood Crest, NJ 08260.
Borough of Woodbine	Borough Hall, 501 Washington Avenue, Woodbine, NJ 08270.
City of Cape May	Assessor's Office, 643 Washington Street, Cape May, NJ 08204.
City of North Wildwood	City Hall, 901 Atlantic Avenue, North Wildwood, NJ 08260.
City of Ocean City	Community Operations Department, 115 East 12th Street, Ocean City, NJ 08226.
City of Sea Isle City	City Hall, 233 John F. Kennedy Boulevard, Sea Isle City, NJ 08243.
City of Wildwood	Zoning Office, 4400 New Jersey Avenue, Wildwood, NJ 08260.
Township of Dennis	Dennis Township Municipal Building, 571 Petersburg Road, Dennisville, NJ 08214.
Township of Middle	Middle Township Construction Office, 10 South Boyd Street, Cape May Court House, NJ 08210.
Township of Upper	Upper Township Engineering Office, 2100 Tuckahoe Road, Petersburg, NJ 08270.

[FR Doc. 2017–10181 Filed 5–18–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1719]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more

stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: May 2, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Arizona:						
Maricopa	City of Goodyear (16–09–2737P).	The Honorable Georgia Lord, Mayor, City of Goodyear, 190 North Litchfield Road, Goodyear, AZ 85338.	Engineering Department, 14455 West Van Buren Street, Suite D 101, Goodyear, AZ 85338.	*http://www.msc.fema.gov/lomc*	Jul. 28, 2017	040046
Maricopa	City of Peoria (16–09–2450P).	The Honorable Cathy Carlat, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, AZ 85345.	City Hall, 8401 West Monroe Street, Peoria, AZ 85345.	*http://www.msc.fema.gov/lomc*	Jul. 14, 2017	040050
Maricopa	Unincorporated Areas of Maricopa County (16–09–2450P).	The Honorable Denny Barney, Chairman, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	*http://www.msc.fema.gov/lomc*	Jul. 14, 2017	040037
Pinal	City of Maricopa (16–09–1250P).	The Honorable Christian Price, Mayor, City of Maricopa, 39700 West Civic Center Plaza, Maricopa, AZ 85138.	City Hall, 45145 West Madison Avenue, Maricopa, AZ 85139.	*http://www.msc.fema.gov/lomc*	Jul. 7, 2017	040052
California:						
Alameda	City of Fremont (16–09–3152P).	The Honorable Lily Mei, Mayor, City of Fremont, 3300 Capitol Avenue, Fremont, CA 94538.	City Hall, 39550 Liberty Street, Fremont, CA 94538.	*http://www.msc.fema.gov/lomc*	Jul. 17, 2017	065028
San Diego	City of San Diego (15–09–2666P).	The Honorable Kevin L. Faulconer, Mayor, City of San Diego, 202 C Street, 11th Floor, San Diego, CA 92101.	Development Services Department, 1222 1st Avenue, 3rd Floor, MS 301, San Diego, CA 92101.	*http://www.msc.fema.gov/lomc*	Jul. 24, 2017	060295
San Diego	City of San Diego (16–09–2873P).	The Honorable Kevin L. Faulconer, Mayor, City of San Diego, 202 C Street, 11th Floor, San Diego, CA 92101.	Development Services Department, 1222 1st Avenue, 3rd Floor, MS 301, San Diego, CA 92101.	*http://www.msc.fema.gov/lomc*	Jul. 7, 2017	060295
Illinois:						
Lake	City of Highland Park (16–05–6565P).	The Honorable Nancy R. Rotering, Mayor, City of Highland Park, 1707 St. Johns Avenue, Highland Park, IL 60035.	Public Services Building, 1150 Half Day Road, Highland Park, IL 60035.	*http://www.msc.fema.gov/lomc*	Jul. 28, 2017	170367
Lake	Village of Deerfield (16-05-6565P).	The Honorable Harriet Rosenthal, Mayor, Village of Deerfield, 850 Waukegan Road, Deerfield, IL 60015.	Village Hall, 850 Waukegan Road, Deerfield, IL 60015.	*http://www.msc.fema.gov/lomc*	Jul. 28, 2017	170361
Lake	Village of Mundelein (16–05–6526P).	The Honorable Steve Lentz, Mayor, Village of Mundelein, 300 Plaza Circle, Mundelein, IL 60060.	Village Hall, 300 Plaza Circle, Mundelein, IL 60060.	*http://www.msc.fema.gov/lomc*	Jul. 28, 2017	170382
Will	City of Joliet (17–05–2357P).	The Honorable Robert O'Dekirk, Mayor, City of Joliet, 150 West Jefferson Street, Joliet, IL 60432.	City Hall, 150 West Jefferson Street, Joliet, IL 60432.	*http://www.msc.fema.gov/lomc*	Jul. 13, 2017	170702
New Jersey:						
Monmouth	Borough of Highlands (16–02–2118P).	The Honorable Rick O'Neil, Mayor, Borough of Highlands, 42 Shore Drive, Highlands, NJ 07732.	Highlands Borough Hall, 171 Bay Avenue, Highlands, NJ 07732.	*http://www.msc.fema.gov/lomc*	Jul. 19, 2017	345297

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Ohio: Warren	City of Mason (17–05–1582P).	The Honorable Victor Kidd, Mayor, City of Mason, 6000 Mason-Montgomery Road, Mason, OH 45040.	Municipal Building, 6000 Mason-Montgomery Road, Mason, OH 45040.	*http://www.msc.fema.gov/lomc*	Jul. 31, 2017	390559
Oregon:						
Lane	City of Eugene (17–10–0426P).	The Honorable Lucy Vinis, Mayor, City of Eugene, 125 East 8th Avenue, 2nd Floor, Eugene, OR 97401.	Planning Department, 99 West 10th Avenue, Eugene, OR 97401.	*http://www.msc.fema.gov/lomc*	Jul. 31, 2017	410122
Multnomah	City of Portland (16–10–0985P).	The Honorable Charlie Hales, Mayor, City of Portland, 1221 Southwest 4th Avenue, Suite 340, Portland, OR 97204.	Bureau of Environmental Services, 1221 Southwest 4th Avenue, Room 230, Portland, OR 97204.	*http://www.msc.fema.gov/lomc*	May 23, 2017	410183
Texas:						
Collin	City of Celina (16–06–2499P).	The Honorable Sean Terry, Mayor, City of Celina, 142 North Ohio Street, Celina, TX 75009.	City Hall, 320 West Walnut Street, Celina, TX 75009.	*http://www.msc.fema.gov/lomc*	Jul. 17, 2017	480133
Collin	Unincorporated Areas of Collin County (16–06–2499P).	The Honorable Keith Self, Mayor, Collin County, Collin County Administration Building, 2300 Bloomdale Road, Suite 4192, McKinney, TX 75071.	Collin County, Department of Public Works, 210 South McDonald Street, McKinney, TX 75069.	*http://www.msc.fema.gov/lomc*	Jul. 17, 2017	480130
Dallas	City of Dallas (16–06–2638P).	The Honorable Michael S. Rawlings, Mayor, City of Dallas, 1500 Marilla Street, Suite 5EN, Dallas, TX 75201.	Department of Public Works, 320 East Jefferson Boulevard, Room 321, Dallas, TX 75203.	*http://www.msc.fema.gov/lomc*	Jul. 21, 2017	480171
Dallas	City of Garland (16–06–2638P).	The Honorable Douglas Athas, Mayor, City of Garland, 200 North 5th Street, Garland, TX 75040.	City Hall, 800 Main Street, Garland, TX 75040.	*http://www.msc.fema.gov/lomc*	Jul. 21, 2017	485471
Dallas	City of Mesquite (16–06–2638P).	The Honorable Stan Pickett, Mayor, City of Mesquite, 757 North Galloway Avenue, Mesquite, TX 75185.	City Engineering Services, 1515 North Galloway Avenue, Mesquite, TX 75185.	*http://www.msc.fema.gov/lomc*	Jul. 21, 2017	485490
Dallas	City of Wilmer (17–06–0411P).	The Honorable Casey Burgess, Mayor, City of Wilmer, 128 North Dallas Avenue, Wilmer, TX 75172.	City Hall, 128 North Dallas Avenue, Wilmer, TX 75172.	*http://www.msc.fema.gov/lomc*	Jul. 28, 2017	480190
Dallas	Unincorporated Areas of Dallas County (17–06–0411P).	The Honorable Clay L. Jenkins, County Judge, Dallas County, 411 Elm Street, Dallas, TX 75202.	Dallas County Records Building, 509 Main Street, Dallas, TX 75202.	*http://www.msc.fema.gov/lomc*	Jul. 28, 2017	480165
Virginia: Fairfax	Unincorporated Areas of Fairfax County (17–03–0842P).	Mr. Edward L. Long, Jr., Fairfax County Executive, 12000 Government Center Parkway, Fairfax, VA 22035.	Community Map Repository/Stormwater Planning, 12000 Government Center Parkway, Suite 449, Fairfax, VA 22035.	*http://www.msc.fema.gov/lomc*	Jul. 28, 2017	515525

[FR Doc. 2017–10177 Filed 5–18–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of July 5, 2017 which has been established for the

FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: April 25, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Watershed-Based Studies

Community	Community map repository address
Brandywine-Christina Watershed	
Delaware County, Pennsylvania (All Jurisdictions) **Docket No.: FEMA–B–1613**	
Township of Chadds Ford	Township Municipal Building, 10 Ring Road, Chadds Ford, PA 19317.

II. Non-Watershed-Based Studies

Community	Community map repository address
Carbon County, Montana and Incorporated Areas **Docket No.: FEMA–B–1613**	
Unincorporated Areas of Carbon County	Carbon County Administration Building, 17 West 11th Street, Red Lodge, MT 59068.

[FR Doc. 2017–10162 Filed 5–18–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National

Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: May 2, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Connecticut: Fairfield (FEMA Docket No.: B–1700).	Town of Greenwich (16–01–2255P).	The Honorable Peter Tesei, First Selectman, Town of Greenwich Board of Selectmen, 101 Field Point Road, Greenwich, CT 06830.	Planning and Zoning Department, 101 Field Point Road, Greenwich, CT 06830.	Mar. 22, 2017	090008
Florida:					
Broward (FEMA Docket No.: B–1700).	City of Coconut Creek (16–04–7766P).	The Honorable Mikkie Belvedere, Mayor, City of Coconut Creek, 4800 West Copans Road, Coconut Creek, FL 33063.	City Hall, 5295 Johnson Road, Coconut Creek, FL 33073.	Mar. 24, 2017	120031
Broward (FEMA Docket No.: B–1700).	City of Coral Springs (16–04–7766P).	The Honorable Skip Campbell, Mayor, City of Coral Springs, 9551 West Sample Road, Coral Springs, FL 33065.	City Hall, 2730 University Drive, Coral Springs, FL 33065.	Mar. 24, 2017	120033
Broward (FEMA Docket No.: B–1672).	City of Deerfield Beach (16–04–5305P).	The Honorable Jean M. Robb, Mayor, City of Deerfield Beach, 150 Northeast 2nd Avenue, Deerfield Beach, FL 33441.	Environmental Services Department, 200 Goolsby Boulevard, Deerfield Beach, FL 33442.	Mar. 28, 2017	125101
Broward (FEMA Docket No.: B–1668).	City of Hallandale Beach (16–04–8271P).	The Honorable Joy Cooper, Mayor, City of Hallandale Beach, 400 South Federal Highway, Hallandale Beach, FL 33009.	Development Services Department, 400 South Federal Highway, Hallandale Beach, FL 33009.	Mar. 20, 2017	125110
Broward (FEMA Docket No.: B–1668).	City of Hollywood (16–04–8271P).	The Honorable Peter Bober, Mayor, City of Hollywood, P.O. Box 229045, Hollywood, FL 33022.	City Hall, 2600 Hollywood Boulevard, Hollywood, FL 33020.	Mar. 20, 2017	125113
Broward (FEMA Docket No.: B–1700).	City of Parkland (16–04–7766P).	The Honorable David Rosenof, Mayor, City of Parkland, 6600 University Drive, Parkland, FL 33067.	Building Division, 6600 University Drive, Parkland, FL 33067.	Mar. 24, 2017	120051
Broward (FEMA Docket No.: B–1668).	Unincorporated areas of Broward County (16–04–8271P).	The Honorable Marty Kiar, Mayor, Broward County Board of Commissioners, 115 South Andrews Avenue, Room 421, Fort Lauderdale, FL 33301.	Broward County Environmental Licensing and Building Permitting Division, 1 North University Drive, Plantation, FL 33324.	Mar. 20, 2017	125093
Escambia (FEMA Docket No.: B–1672).	Pensacola Beach-Santa Rosa Island Authority (16–04–6550P).	The Honorable Dave Pavlock, Chairman, Pensacola Beach-Santa Rosa Island Authority, P.O. Drawer 1208, Pensacola Beach, FL 32562.	Development Services Department, 1 Via De Luna Drive, Pensacola Beach, FL 32562.	Mar. 30, 2017	125138
Lee (FEMA Docket No.: B–1672).	Unincorporated areas of Lee County (16–04–4231P).	The Honorable Frank Mann, Chairman, Lee County Board of Commissioners, P.O. Box 398, Fort Myers, FL 33901.	Lee County Building Department, 1500 Monroe Street, Fort Myers, FL 33901.	Mar. 24, 2017	125124
Monroe (FEMA Docket No.: B–1672).	Unincorporated areas of Monroe County (16–04–8290P).	The Honorable Heather Carruthers, Mayor, Monroe County Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Marathon, FL 33050.	Mar. 23, 2017	125129
Monroe (FEMA Docket No.: B–1672).	Unincorporated areas of Monroe County (16–04–8291P).	The Honorable Heather Carruthers, Mayor, Monroe County Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Marathon, FL 33050.	Mar. 30, 2017	125129
Osceola (FEMA Docket No.: B–1672).	Unincorporated areas of Osceola County (16–04–3250P).	The Honorable Viviana Janer, Chair, Osceola County Board of Commissioners, 1 Courthouse Square, Suite 4700, Kissimmee, FL 34741.	Osceola County Community Development Department, 1 Courthouse Square, Suite 1100, Kissimmee, FL 34741.	Mar. 31, 2017	120189
Sarasota (FEMA Docket No.: B–1668).	Unincorporated areas of Sarasota County (16–04–4948P).	The Honorable Alan Maio, Chairman, Sarasota County Board of Commissioners, 1660 Ringling Boulevard, Sarasota, FL 34236.	Sarasota County Development Services Department, 1001 Sarasota Center Boulevard, Sarasota, FL 34240.	Mar. 20, 2017	125144
Georgia:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Columbia (FEMA Docket No.: B–1700).	City of Grovetown (16–04–7990P).	The Honorable Gary Jones, Mayor, City of Grovetown, P.O. Box 120, Grovetown, GA 30813.	Planning and Development Department, 103 Old Wrightsboro Road, Grovetown, GA 30813.	Mar. 16, 2017	130265
Columbia (FEMA Docket No.: B–1700).	Unincorporated areas of Columbia County (16–04–7990P).	The Honorable Ron C. Cross, Chairman, Columbia County Board of Commissioners, P.O. Box 498, Evans, GA 30809.	Columbia County Engineering Services Division, 630 Ronald Reagan Drive, Evans, GA 30809.	Mar. 16, 2017	130059
Forsyth (FEMA Docket No.: B–1672).	Unincorporated areas of Forsyth County (16–04–4934P).	Mr. Doug Derrer, Manager, Forsyth County, 110 East Main Street, Suite 210, Cumming, GA 30040.	Forsyth County Department of Engineering, 110 East Main Street, Suite 120, Cumming, GA 30040.	Mar. 9, 2017	130312
Maine: Hancock (FEMA Docket No.: B–1672).	Town of Gouldsboro (16–01–1304P).	The Honorable Dana Rice, Chairman, Town of Gouldsboro Board of Selectmen, 59 Main Street, Prospect Harbor, ME 04669.	Code Enforcement Office, 59 Main Street, Prospect Harbor, ME 04669.	Mar. 10, 2017	230283
Maryland: Worcester (FEMA Docket No.: B–1700).	Town of Ocean City (16–03–2683P).	Mr. Douglas R. Miller, Manager, Town of Ocean City, 301 Baltimore Avenue, Ocean City, MD 21842.	Department of Planning and Community Development, 301 Baltimore Avenue, Ocean City, MD 21842.	Mar. 24, 2017	245207
Massachusetts:					
Norfolk (FEMA Docket No.: B–1668).	City of Quincy (16–01–2803P).	The Honorable Thomas P. Koch, Mayor, City of Quincy, 1305 Hancock Street, Quincy, MA 02169.	Department of Public Works, 55 Sea Street, Quincy, MA 02169.	Mar. 13, 2017	255219
Norfolk (FEMA Docket No.: B–1672).	Town of Cohasset (16–01–0636P).	Mr. Christopher Senior, Manager, Town of Cohasset, 41 Highland Avenue, Cohasset, MA 02025.	Town Hall, 41 Highland Avenue, Cohasset, MA 02025.	Mar. 21, 2017	250236
Norfolk (FEMA Docket No.: B–1672).	Town of Cohasset (16–01–2031P).	Mr. Christopher Senior, Manager, Town of Cohasset, 41 Highland Avenue, Cohasset, MA 02025.	Town Hall, 41 Highland Avenue, Cohasset, MA 02025.	Mar. 20, 2017	250236
Plymouth (FEMA Docket No.: B–1672).	Town of Marion (16–01–2499P).	The Honorable Jonathan E. Dickerson, Chairman, Town of Marion Board of Selectmen, 2 Spring Street, Marion, MA 02738.	Town Hall, 2 Spring Street, Marion, MA 02738.	Mar. 3, 2017	255213
New Mexico:					
Bernalillo (FEMA Docket No.: B–1668).	City of Albuquerque (16–06–2885P).	The Honorable Richard J. Berry, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, NM 87103.	Planning Development and Building Services Division, 600 2nd Street Northwest, Albuquerque, NM 87102.	Mar. 7, 2017	350002
Taos (FEMA Docket No.: B–1668).	Town of Taos (16–06–2418P).	The Honorable Daniel R. Barrone, Mayor, Town of Taos, 400 Camino De La Placita, Taos, NM 87571.	Planning, Zoning and Community Development Department, 400 Camino De La Placita, Taos, NM 87571.	Mar. 17, 2017	350002
Taos (FEMA Docket No.: B–1668).	Unincorporated areas of Taos County (16–06–2418P).	Mr. Leandro Cordova, Manager, Taos County, 105 Albright Street, Taos, NM 87571.	Taos County Planning Department, 105 Albright Street, Taos, NM 87571.	Mar. 17, 2017	350078
North Carolina:					
Caswell (FEMA Docket No.: B–1672).	Unincorporated areas of Caswell County (16–04–3759P).	The Honorable Kenneth D. Travis, Chairman, Caswell County Board of Commissioners, P.O. Box 98, Yanceyville, NC 27379.	Caswell County Planning Department, 144 Main Street, Yanceyville, NC 27379.	Mar. 23, 2017	370300
Catawba (FEMA Docket No.: B–1672).	City of Hickory (16–04–3174P).	The Honorable Rudy Wright, Mayor, City of Hickory, 76 North Center Street, Hickory, NC 28601.	City Hall, 76 North Center Street, Hickory, NC 28601.	Feb. 1, 2017	370054
Edgecomb (FEMA Docket No.: B–1672).	Town of Tarboro (16–04–6123P).	The Honorable Taro Knight, Mayor Pro-Tem, Town of Tarboro, P.O. Box 220, Tarboro, NC 27886.	Planning and Inspections Department, 500 North Main Street, Tarboro, NC 27886.	Feb. 23, 2017	370094
Greene (FEMA Docket No.: B–1672).	Unincorporated areas of Greene County (16–04–3348P).	The Honorable Brad Fields, Chairman, Greene County Board of Commissioners, 229 Kingold Boulevard, Suite D, Snow Hill, NC 28580.	Greene County Department of Building Inspections, 104 Hines Street, Snow Hill, NC 28580.	Mar. 9, 2017	370378
Moore (FEMA Docket No.: B–1672).	Town of Carthage (16–04–5694P).	The Honorable Lee McGraw, Mayor, Town of Carthage, 4396 Highway 15–501 Carthage, NC 28327.	Town Hall, 4396 Highway 15–501, Carthage, NC 28327.	Apr. 6, 2017	370555
Moore (FEMA Docket No.: B–1672).	Unincorporated areas of Moore County (16–04–5694P).	The Honorable Catherine Graham, Chair, Moore County Board of Commissioners, P.O. Box 905, Carthage, NC 28327.	Moore County Planning and Transportation Department, P.O. Box 905, Carthage, NC 28327.	Apr. 6, 2017	370164
Union (FEMA Docket No.: B–1672).	Town of Weddington (16–04–1411P).	The Honorable Bill Deter, Mayor, Town of Weddington, 1924 Weddington Road, Weddington, NC 28104.	Town Hall, 1924 Weddington Road, Weddington, NC 28104.	Dec. 15, 2016	370518
Union (FEMA Docket No.: B–1672).	Unincorporated areas of Union County (16–04–1411P).	The Honorable Frank Aikmus, Chairman, Union County Board of Commissioners, 500 North Main Street, Room 921, Monroe, NC 28112.	Union County Office of Growth Management, Planning Division, 500 North Main Street, Monroe, NC 28112.	Dec. 15, 2016	370234
Oklahoma:					
Canadian (FEMA Docket No.: B–1672).	City of Oklahoma City (16–06–1043P).	The Honorable Mick Cornett, Mayor, City of Oklahoma City, 200 North Walker Avenue, Oklahoma City, OK 73102.	Public Works Department, 420 West Main Street, Suite 700, Oklahoma City, OK 73102.	Mar. 30, 2017	405378

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Canadian (FEMA Docket No.: B–1672).	City of Yukon (16–06–1043P).	The Honorable John Alberts, Mayor, City of Yukon, 1420 Spring Creek Drive, Yukon, OK 73099.	Development Services Department, 334 Elm Street, Yukon, OK 73099.	Mar. 30, 2017	400028
Pennsylvania:					
Bucks (FEMA Docket No.: B–1672).	Borough of Morrisville (16–03–2671P).	Mr. Robert C. Sooby, Manager, Borough of Morrisville, 35 Union Street, Morrisville, PA 19067.	Borough Hall, 35 Union Street, Morrisville, PA 19067.	Mar. 22, 2017	420194
Bucks (FEMA Docket No.: B–1672).	Township of Falls (16–03–2671P).	The Honorable Robert Harvie, Chairman, Township of Falls Board of Supervisors, 188 Lincoln Highway, Suite 100, Fairless Hills, PA 19030.	Township Hall, 188 Lincoln Highway, Suite 100, Fairless Hills, PA 19030.	Mar. 22, 2017	420188
Lancaster (FEMA Docket No.: B–1668).	Township of Conestoga (16–03–2652P).	The Honorable Craig C. Eshleman, Chairman, Township of Conestoga Board of Supervisors, 3959 Main Street, Conestoga, PA 17516.	Township Municipal Building, 3959 Main Street, Conestoga, PA 17516.	Mar. 13, 2017	420544
Lancaster (FEMA Docket No.: B–1668).	Township of Drumore (16–03–2652P).	The Honorable Kolin D. McCauley, Chairman, Township of Drumore Board of Supervisors, 1675 Furniss Road, Drumore, PA 17518.	Township Municipal Building, 1675 Furniss Road, Drumore, PA 17518.	Mar. 13, 2017	421766
York (FEMA Docket No.: B–1672).	Township of Fairview (16–03–2653P).	The Honorable Larry Cox, Chairman, Township of Fairview Board of Supervisors, 599 Lewisberry Road, New Cumberland, PA 17070.	Township Municipal Building, 599 Lewisberry Road, New Cumberland, PA 17070.	Mar. 15, 2017	420923
York (FEMA Docket No.: B–1672).	Township of Newberry (16–03–2653P).	The Honorable Will Toothaker, Chairman, Township of Newberry Board of Supervisors, 1915 Old Trail Road, Etters, PA 17319.	Township Municipal Building, 1915 Old Trail Road, Etters, PA 17319.	Mar. 15, 2017	422226
South Dakota:					
Hughes (FEMA Docket No.: B–1668).	City of Pierre (16–08–0334P).	The Honorable Laurie Gill, Mayor, City of Pierre, 222 East Dakota Avenue, Pierre, SD 57501.	Department of Public Works, 222 East Dakota Avenue, Pierre, SD 57501.	Mar. 21, 2017	460040
Texas:					
Bell (FEMA Docket No.: B–1672).	Unincorporated areas of Bell County (16–06–3508P).	The Honorable John Burrows, Bell County Judge, P.O. Box 768, Belton, TX 76513.	Bell County Engineering Department, 206 North Main Street, Belton, TX 76513.	Mar. 7, 2017	480706
Bell (FEMA Docket No.: B–1672).	Village of Salado (16–06–2289P).	The Honorable Skip Blancett, Mayor, Village of Salado, P.O. Box 219, Salado, TX 76571.	Village Hall, 301 North Stagecoach Road, Salado, TX 76571.	Mar. 24, 2017	480033
Bexar (FEMA Docket No.: B–1672).	City of San Antonio (16–06–3198P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Storm Water Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78284.	Mar. 20, 2017	480045
Bexar (FEMA Docket No.: B–1672).	Unincorporated areas of Bexar County (16–06–3198P).	The Honorable Nelson W. Wolff, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 233 North Pecos-La Trinidad Street, Suite 420, San Antonio, TX 78204.	Mar. 20, 2017	480035
Collin (FEMA Docket No.: B–1668).	City of McKinney (16–06–1541P).	The Honorable Brian Loughmiller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	Mar. 13, 2017	480135
Dallas (FEMA Docket No.: B–1672).	City of Dallas (16–06–2144P).	The Honorable Mike Rawlings, Mayor, City of Dallas, 1500 Marilla Street, Room 5EN, Dallas, TX 75201.	Engineering Department, 320 East Jefferson Boulevard, Room 200, Dallas, TX 75203.	Mar. 13, 2017	480171
Harris (FEMA Docket No.: B–1672).	City of Houston (16–06–1829P).	The Honorable Sylvester Turner, Mayor, City of Houston, P.O. Box 1562, Houston, TX 77251.	Floodplain Management Office, 1002 Washington Avenue, 3rd Floor, Houston, TX 77002.	Feb. 24, 2017	480296
Harris (FEMA Docket No.: B–1672).	Unincorporated areas of Harris County (16–06–2693P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	Mar. 3, 2017	480287
Johnson (FEMA Docket No.: B–1672).	City of Burleson (16–06–3257P).	The Honorable Ken Shetter, Mayor, City of Burleson, 141 West Renfro Street, Burleson, TX 76028.	City Hall, 141 West Renfro Street, Burleson, TX 76028.	Mar. 17, 2017	485459
Rockwall (FEMA Docket No.: B–1668).	City of Heath (16–06–1549P).	The Honorable Brian Berry, Mayor, City of Heath, 200 Laurence Drive, Heath, TX 75032.	City Hall, 200 Laurence Drive, Heath, TX 75032.	Mar. 13, 2017	480545
Tarrant (FEMA Docket No.: B–1700).	City of Keller (16–06–2056P).	The Honorable Mark Mathews, Mayor, City of Keller, P.O. Box 770, Keller, TX 76244.	Public Works Department, 1100 Bear Creek Parkway, Keller, TX 76248.	Mar. 31, 2017	480602
Tarrant (FEMA Docket No.: B–1672).	City of Keller (16–06–2452P).	The Honorable Mark Mathews, Mayor, City of Keller, P.O. Box 770, Keller, TX 76244.	Public Works Department, 1100 Bear Creek Parkway, Keller, TX 76248.	Mar. 16, 2017	480602
Travis (FEMA Docket No.: B–1672).	Unincorporated areas of Travis County (16–06–1784P).	The Honorable Sarah Eckhardt, Travis County Judge, 700 Lavaca Street, Austin, TX 78767.	Travis County Administration Building, 700 Lavaca Street, Austin, TX 78767.	Mar. 27, 2017	481026
Virginia:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Albemarle (FEMA Docket No.: B–1672).	Unincorporated areas of Albemarle County (16–03–1697P).	Mr. Thomas C. Foley, Albemarle County Executive, 401 McIntire Road, Charlottesville, VA 22902.	Albemarle County Community Development, Engineering Department, 401 McIntire Road, 2nd Floor, Charlottesville, VA 22902.	Mar. 22, 2017	510006
Independent City (FEMA Docket No.: B–1672).	City of Charlottesville (16–03–1697P).	Mr. Maurice Jones, Manager, City of Charlottesville, P.O. Box 911, Charlottesville, VA 22902.	Neighborhood Development Services, 610 East Market Street, Charlottesville, VA 22902.	Mar. 22, 2017	510033
Stafford (FEMA Docket No.: B–1672).	Unincorporated areas of Stafford County (16–03–2417P).	The Honorable Robert Thomas, Jr., Chairman, Stafford County Board of Supervisors, 1300 Courthouse Road, Stafford, VA 22554.	Stafford County Administration Center, 1300 Courthouse Road, Stafford, VA 22554.	Mar. 9, 2017	510154

[FR Doc. 2017–10194 Filed 5–18–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of July 18, 2017 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.* The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: May 2, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Watershed-Based Studies

Community	Community map repository address
Upper Saline Watershed	
Grant County, Arkansas and Incorporated Areas Docket No.: FEMA–B–1616	
City of Sheridan	City Hall, 106 West Bell Street, Sheridan, AR 72150.
Town of Leola	Town Hall, 400 Lee Street, Leola, AR 72084.
Town of Poyen	Town Hall, 111 North Front Street, Poyen, AR 72128.
Town of Prattsville	Mayor's Office, 9251 Highway 270 West, Prattsville, AR 72129.
Town of Tull	Community Center, 8208 North Main Street, Tull, AR 72015.
Unincorporated Areas of Grant County	Grant County Assessor's Office, 101 West Center Street, Room 102, Sheridan, AR 72150.

II. Non-Watershed-Based Studies

Community	Community map repository address
Washington County, Maine (All Jurisdictions) Docket No.: FEMA–B–1642	
Baring Plantation	Land Use Planning Commission, 106 Hogan Road, Suite 8, Bangor, ME 04401.
City of Calais	City Building, 11 Church Street, Calais, ME 04619.
City of Eastport	City Hall, 78 High Street, Eastport, ME 04631.
Grand Lake Stream Plantation	Land Use Planning Commission, 106 Hogan Road, Suite 8, Bangor, ME 04401.
Passamaquoddy Tribe At Pleasant Point	Passamaquoddy Tribal Office, 136 County Road, Perry, ME 04667.
Town of Addison	Town Hall, 334 Water Street, Addison, ME 04606.
Town of Alexander	Town Hall, 50 Cooper Road, Alexander, ME 04694.
Town of Baileyville	Town Office, 63 Broadway Street, Baileyville, ME 04694.
Town of Beals	Town Office, 11 Big Pond Road, Beals, ME 04611.
Town of Charlotte	Town Office, 1098 Ayers Junction Road, Charlotte, ME 04666.
Town of Cherryfield	Town Office, 12 Municipal Way, Cherryfield, ME 04622.
Town of Columbia	Town Hall, 106 Epping Road, Columbia, ME 04623.
Town of Columbia Falls	Town Office, 8 Point Street, Columbia Falls, ME 04623.
Town of Crawford	First Selectman's Office, 359 Crawford Arm Road, Crawford, ME 04694.
Town of Culter	Town Office, 2655 Cutler Road, Cutler, ME 04626.
Town of Danforth	Town Office, 18 Central Street, Danforth, ME 04424.
Town of Dennysville	Town Office, 2 Main Street, Dennysville, ME 04628.
Town of East Machias	Town Office, 32 Cutler Road, East Machias, ME 04630.
Town of Harrington	Town Office, 114 East Main Street, Harrington, ME 04643.
Town of Jonesboro	Town Office, 23 Station Road, Jonesboro, ME 04648.
Town of Jonesport	Town Office, 70 Snare Creek Lane, Jonesport, ME 04649.
Town of Lubec	Town Office, 40 School Street, Lubec, ME 04652.
Town of Machias	Town Office, 7 Court Street, Suite 1, Machias, ME 04654.
Town of Machiasport	Town Office, 8 Unity Square, Machiasport, ME 04655.
Town of Marshfield	Town Office, 187 Northfield Road, Marshfield, ME 04654.
Town of Milbridge	Town Office, 22 School Street, Milbridge, ME 04658.
Town of Northfield	Town Hall, 1940 Northfield Road, Northfield, ME 04654.
Town of Pembroke	Town Office, 48 Old County Road, Pembroke, ME 04666.
Town of Perry	Town Office, 898 U.S. Route 1, Perry, ME 04667.
Town of Princeton	Town Office, 15 Depot Street, Princeton, ME 04668.
Town of Robbinston	Town Office, 904 U.S. Route 1, Robbinston, ME 04671.
Town of Roque Bluffs	Town Hall, 3 Roque Bluffs Road, Roque Bluffs, ME 04654.
Town of Steuben	Town Office, 294 U.S. Route 1, Steuben, ME 04680.
Town of Talmadge	Chairperson's Office, 47 Talmadge Road, Talmadge, ME 04492.
Town of Topsfield	Town Office, 48 North Road, Topsfield, ME 04490.
Town of Vanceboro	Town Office, 101 High Street, Vanceboro, ME 04491.
Town of Wesley	Town Office, 2 Whining Pines Drive, Wesley, ME 04686.
Town of Whiting	Town Office, 169 U.S. Route 1, Whiting, ME 04691.
Town of Whitneyville	Town Office, 42 South Main Street, Whitneyville, ME 04654.
Township of Brookton	Land Use Planning Commission, 106 Hogan Road, Suite 8, Bangor, ME 04401.
Township of Edmunds	Land Use Planning Commission, 106 Hogan Road, Suite 8, Bangor, ME 04401.
Township of Lambert Lake	Land Use Planning Commission, 106 Hogan Road, Suite 8, Bangor, ME 04401.
Township of Trescott	Land Use Planning Commission, 106 Hogan Road, Suite 8, Bangor, ME 04401.
Fayette County, Pennsylvania (All Jurisdictions) Docket No.: FEMA–B–1466 and FEMA–B–1546	
Borough of Belle Vernon	Borough Municipal Building, 10 Main Street, Belle Vernon, PA 15012.
Borough of Brownsville	Borough Municipal Building, 200 2nd Street, Brownsville, PA 15417.
Borough of Dawson	Borough Building, 209 Howell Street, Dawson, PA 15428.
Borough of Dunbar	Borough Building, 47 Connellsville Street, Dunbar, PA 15431.
Borough of Fairchance	Borough Building, 125 West Church Street, Fairchance, PA 15436.
Borough of Fayette City	Borough Hall, 340 2nd Street, Fayette City, PA 15438.
Borough of Markleysburg	Borough Municipal Building, 150 Main Street, Markleysburg, PA 15459.
Borough of Masontown	Borough Municipal Center, 1 East Church Avenue, Masontown, PA 15461.
Borough of Newell	Borough Municipal Building, 412 2nd Street, Newell, PA 15466.
Borough of Ohiopyle	Borough Building, Rear 17 Sherman Street, Ohiopyle, PA 15470.
Borough of Perryopolis	Borough Building, 312 Indpendence Street, Perryopolis, PA 15473.
Borough of Point Marion	Borough Building, 426 Morgantown Street, Point Marion, PA 15474.
Borough of Smithfield	Borough Building, 14 Water Street, Smithfield, PA 15478.
Borough of South Connellsville	Borough Building, 1503 South Pittsburgh Street, South Connellsville, PA 15425.

Community	Community map repository address
Borough of Vanderbilt	Borough Building, 196 Main Street, Vanderbilt, PA 15486.
City of Connellsville	City Hall, 110 North Arch Street, Connellsville, PA 15425.
City of Uniontown	City Hall, 20 North Gallatin Avenue, Uniontown, PA 15401.
Township of Brownsville	Township Building, 232 Brown Street, Brownsville, PA 15417.
Township of Bullskin	Bullskin Township Municipal Building, 178 Shenandoah Road, Connellsville, PA 15425.
Township of Connellsville	Township Secretary's Office, 166 McCoy Hollow Road, Connellsville, PA 15425.
Township of Dunbar	Dunbar Township Municipal Building, 128 Township Drive, Dunbar, PA 15431.
Township of Franklin	Franklin Township Building, 353 Town and Country Road, Vanderbilt, PA 15486.
Township of Georges	Georges Township Municipal Building, 1151 Township Drive, Uniontown, PA 15401.
Township of German	German Township Municipal Building, 2 Long Street, McClellandtown, PA 15458.
Township of Henry Clay	Henry Clay Township Building, 156 Martin Road, Markleysburg, PA 15459.
Township of Jefferson	Jefferson Township Municipal Building, 262 Stuckslager Road, Perryopolis, PA 15473.
Township of Lower Tyrone	Lower Tyrone Township Building, 456 Banning Road, Dawson, PA 15428.
Township of Luzerne	Luzerne Township Municipal Building, 415 Hopewell Road, Brownsville, PA 15417.
Township of Menallen	Menallen Township Municipal Building, 427 Searight-Herbert Road, Uniontown, PA 15401.
Township of Nicholson	Nicholson Township Municipal Building, 142 Woodside Old Frame Road, Smithfield, PA 15478.
Township of North Union	North Union Township Municipal Building, 7 South Evans Station Road, Lemont Furnace, PA 15456.
Township of Perry	Perry Township Building, 1 Township Drive, Star Junction, PA 15482.
Township of Redstone	Redstone Township Municipal Building, 225 Twin Hills Road, Grindstone, PA 15442.
Township of Saltlick	Saltlick Township Municipal Building, 147 Municipal Building Road, Melcroft, PA 15462.
Township of South Union	South Union Township Building, 151 Township Drive, Uniontown, PA 15401.
Township of Springfield	Springfield Township Municipal Building, 755 Mill Run Road, Mill Run, PA 15464.
Township of Springhill	Springhill Township Municipal Building, 198 Lake Lynn Road, Lake Lynn, PA 15451.
Township of Stewart	Stewart Township Municipal Building, 373 Grover Road, Ohiopyle, PA 15470.
Township of Upper Tyrone	Upper Tyrone Township Building, 170 Municipal Drive, Connellsville, PA 15425.
Township of Washington	Washington Township Municipal Building, 1390 Fayette Avenue, Belle Vernon, PA 15012.
Township of Wharton	Wharton Township Municipal Building, 114 Elliotsville Road, Farmington, PA 15437.
Dorchester County, South Carolina and Incorporated Areas Docket No.: FEMA–B–1445	
Town of Harleyville	Town Hall, 119 South Railroad Avenue, Harleyville, SC 29448.
Town of Reevesville	Town Hall, 6800 Johnston Avenue, Reevesville, SC 29471.
Town of Ridgeville	Town Hall, 105 School Street, Ridgeville, SC 29472.
Town of St. George	Town Hall, 305 Ridge Street, St. George, SC 29477.
Town of Summerville	Engineering Department, 200 South Main Street, Summerville, SC 29483.
Unincorporated Areas of Dorchester County	Dorchester County Public Works Facility, 2120 East Main Street, Dorchester, SC 29437.

[FR Doc. 2017–10166 Filed 5–18–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6001–N–10]

60-Day Notice of Proposed Information Collection: HUD-Owned Real Estate-Good Neighbor Next Door Program

AGENCY: Office of the Assistant Secretary for Housing- Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* July 18, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Ivery W. Himes, Director, Office of Single Family Asset Management, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Ivery W. Himes at *Ivery.W.Himes@hud.gov* or telephone 202–708–1672, option 3. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: HUD-Owned Real Estate-Good Neighbor Next Door Program.

OMB Approval Number: 2502–0570.

Type of Request: Revision.

Form Numbers: HUD–9549, HUD–9549–A, HUD–9549–B, HUD–9549–C, HUD–9549–D, HUD–9549–E.

Description of the need for the information and proposed use: The information collection is used in binding contracts between the purchaser and HUD in implementing the Good Neighbor Next Door Sales program. The respondents are purchasers of single family HUD-owned properties, who are teachers, law enforcement officers and firefighters/emergency medical technicians that meet the eligibility criteria under the Good Neighbor Next Door Sales program.

Affected Public: Individuals or household.

Estimated Number of Respondents: 5,105.

Estimated Number of Responses: 5,105.

Frequency of Response: On occasion.

Average Hours per Response: 2 minutes.

Total Estimated Burdens: 173.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Date: May 11, 2017.

Genger Charles,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2017–10223 Filed 5–18–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6001–N–07]

60-Day Notice of Proposed Information Collection: Comprehensive Listing of Transactional Documents for Mortgagors, Mortgagees and Contractors; Federal Housing Administration (FHA) Healthcare Facility Documents: Proposed Revisions and Updates of Information Collection

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* July 18, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this notice. Communications must refer to the above docket number and title. There are two methods for submitting public comments:

1. Submission of Comments by Mail. Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500.

2. Electronic Submission of Comments. Comments may be submitted electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *www.regulations.gov* Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified

above. Again, all submissions must refer to the docket number and title of the notice.

No Facsimile Comments. Facsimile (fax) comments are not acceptable.

Public Inspection of Public Comments. All properly submitted comments and communications will be available for public inspection and downloading at *www.regulations.gov* under the docket number for this notice.

FOR FURTHER INFORMATION CONTACT: John M. Hartung, Director, Policy, Risk Management and Lender Relations Division, Office of Residential Care Facilities, Office of Healthcare Programs, Office of Housing, U.S. Department of Housing and Urban Development, 1222 Spruce Street, Room 3.203, St. Louis, MO 63103–2836; telephone (314) 418–5238 (this is not a toll-free number). Persons with hearing or speech disabilities may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Comprehensive Listing of Transactional Documents for Mortgagors, Mortgagees and Contractors.

OMB Approval Number: 2502–0605.

Type of Request: Revision Request.

Form Number: HUD–9001–ORCF, HUD–9001a–ORCF, HUD–9001b–ORCF, HUD–9001c–ORCF, HUD–9001d–ORCF, HUD–9001e–ORCF, HUD–9001f–ORCF, HUD–9001g–ORCF, HUD–9001h–ORCF, HUD–9001i–ORCF, HUD–9002–ORCF, HUD–9003–ORCF, HUD–9004–ORCF, HUD–9005–ORCF, HUD–9005a–ORCF, HUD–9006–ORCF, HUD–9007–ORCF, HUD–9007a–ORCF, HUD–9009–ORCF, HUD–90010–ORCF, HUD–90011–ORCF, HUD–9444–ORCF, HUD–90012–ORCF, HUD–90013–ORCF, HUD–90014–ORCF, HUD–90015–ORCF, HUD–90016–ORCF, HUD–90017–ORCF, HUD–90018–ORCF, HUD–90021–ORCF, HUD–9442–ORCF, HUD–90023–ORCF, HUD–91123–ORCF, HUD–91124–ORCF, HUD–91125–ORCF, HUD–91127–ORCF, HUD–91129–ORCF, HUD–92328–ORCF, HUD–92403–ORCF, HUD–92408–ORCF, HUD–92415–ORCF, HUD–92437–ORCF, HUD–92441–ORCF, HUD–92441a–ORCF, HUD–92442–ORCF, HUD–92448–ORCF, HUD–92450–ORCF, HUD–92452–ORCF, HUD–92452A–ORCF, HUD–92455–ORCF, HUD–92456–ORCF, HUD–92479–ORCF, HUD–92485–ORCF, HUD–92554–ORCF, HUD–93305–ORCF, HUD–95379–ORCF, HUD–2–ORCF, HUD–935.2D–ORCF, HUD–941–ORCF, HUD–9445–ORCF, HUD–9839–ORCF, HUD–90022–ORCF, HUD–90024–ORCF, HUD–91116–ORCF, HUD–91126–ORCF, HUD–91130–ORCF, HUD–92000–ORCF, HUD–92264a–ORCF, HUD–92434–ORCF, HUD–90020–ORCF, HUD–92322–ORCF, HUD–92211–ORCF, HUD–92331–ORCF, HUD–92333–ORCF, HUD–92335–ORCF, HUD–92337–ORCF, HUD–92339–ORCF, HUD–92340–ORCF, HUD–92341–ORCF, HUD–92342–ORCF, HUD–2205A–ORCF, HUD–91110–ORCF, HUD–91111–ORCF, HUD–91112–ORCF, HUD–91118–ORCF, HUD–91710–ORCF, HUD–92023–ORCF, HUD–92070–ORCF, HUD–92071–ORCF, HUD–92223–ORCF, HUD–92323–ORCF, HUD–92330–ORCF, HUD–92330A–ORCF, HUD–92420–ORCF, HUD–92435–ORCF, HUD–92466–ORCF, HUD–92466A–ORCF, HUD–92468–ORCF, HUD–94000–ORCF, HUD–94000–ORCF–ADD, HUD–94000B–ORCF, HUD–94001–ORCF, HUD–94001–ORCF–RI, HUD–9443–ORCF, HUD–91071–ORCF, HUD–91128–ORCF, HUD–92412–ORCF, HUD–92414–ORCF, HUD–92464–ORCF, HUD–92476–ORCF, HUD–92476B–ORCF, HUD–92476C–ORCF, HUD–91117–ORCF, HUD–91725–ORCF, HUD–91725–INST–ORCF, HUD–91725–CERT–ORCF, HUD–92325–ORCF, HUD–1044–D–ORCF, HUD–2537–ORCF, HUD–2747–ORCF, HUD–9250–ORCF, HUD–9807–ORCF, HUD–90019–ORCF, HUD–90029–ORCF, HUD–90030–ORCF, HUD–90031–ORCF, HUD–90032–ORCF, HUD–90033–ORCF, HUD–92080–ORCF, HUD–92117–ORCF, HUD–92228–ORCF, HUD–92266–ORCF, HUD–92266A–ORCF, HUD–92266B–ORCF, HUD–92417–ORCF, HUD–93332–ORCF, HUD–93333–ORCF, HUD–93334–ORCF, HUD–93335–ORCF, HUD–93479–ORCF, HUD–93480–ORCF, HUD–93481–ORCF, HUD–93486–ORCF, HUD–91116A–ORCF, HUD–92211A–ORCF, HUD–92323A–ORCF, HUD–92333A–ORCF, HUD–92338–ORCF, HUD–92340A–ORCF, HUD–92420A–ORCF, HUD–92434A–ORCF, HUD–92440–ORCF, HUD–92467–ORCF, HUD–92467A–ORCF, HUD–94000A–ORCF, HUD–94001A–ORCF.

Description of the Need for the Information and Proposed Use

The issuance of this notice is modeled on the public review and input process that HUD utilized in the establishment of the healthcare facility documents for Section 232 of the National Housing Act (Section 232) program. On March 14, 2013, at 78 FR 16279, after solicitation of comment, HUD published in the **Federal Register** a notice that announced the approval of the healthcare facility documents under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA) and an assignment of a control number, 2502–0605, by the Office of Management and Budget (OMB). The final collection received a 12-month approval. Following OMB approval, on February 17, 2014, at 79 FR 11114, HUD solicited additional comment before seeking a 36-month approval. After the appropriate comment and response periods, the healthcare facility documents were approved for a 36-month renewal, as of June 30, 2014, with an expiration of June 2017.

As required by 5 CFR 1320.8(d)(1) and consistent with HUD's process utilized when establishing the healthcare facility documents, HUD is soliciting comments from members of the public and interested parties on the renewal of the revised healthcare facility documents. The healthcare facility documents include 156 documents going through the PRA process and available for review at: *www.hud.gov/232comments.* All of the documents that are the subject of this notice are also listed above. All documents are presented online in redline/strikeout format, so that the reviewer can see the changes proposed to be made to the documents.

A majority of the documents are being renewed, and some include edits that were made to address changes in policies in recent years or to address inconsistencies across documents and other Program Obligations (*i.e.* the Section 232 Handbook 4232.1). The collection also includes new additions to fold in tools previously only found in the Multifamily Housing document collections, as well as to create consistent formats for submitting information to ORCF that was not previously captured in the 2014 document collection, but that is required by ORCF. A few obsolete documents are being removed as well. These include resources that are no longer relevant to ORCF or duplicate information already found in other documents. An example would include documents specifically related to ''Blended Rate'' transactions. ORCF updated its policies after determining that, consistent with FHA Multifamily Housing's approach, an otherwise eligible transaction could come within either the Section 223(f) criteria or the Section 232 Substantial Rehabilitation criteria and that, therefore, a blending of the loan-to-value criteria of those two programs is not necessary.

A brief summary of the more significant changes per documentation category is provided below.

• *Lender Narratives*—The edits consist primarily of changes to remove program guidance from the narratives and to incorporate updated underwriting standards specific to, for example, special use facilities.

• *Consolidated Certifications*—The changes consist of streamlining the form and revising language to incorporate the changed policy in the new previous participation regulation with new definitions such as Controlling Participant.

• *Construction documents*—Several documents are proposed that will replace the current versions of the Multifamily forms still in use, such as a new Borrower Certification for Early Start/Early Commencement of Construction projects.

• *Underwriting documents*—A new form was added—New Fair Housing Marketing Plan document—which provides the Affirmative Fair Housing Marketing Plan Requirements. ORCF removed one obsolete document (Agreement for Payment of Real Property Taxes) that is more specific to multifamily housing, and not relevant to healthcare facilities, as well as the Certificate of Need for Health Facilities and Schedule of Facilities Owned, Operated or Managed, which both contained duplicative information provided in other documents. The new Affirmative Fair Housing Marketing Plan was vetted with FHEO; other HUD programs had unique AFHMPs for their programs, and this new form is meant to accomplish the same for healthcare facilities. Appraisal information will also be collected via a new spreadsheet that is similar to a collection method used by the multifamily housing ''wheelbarrow''.

• *Accounts Receivable (AR) documents*—Edits include changes made to the Intercreditor Agreement form to address an ongoing issue of how operators should disclose any cross-defaults between the AR loan and the HUD loan.

• *Master Lease documents*—Changes include adding two new forms: Termination and Release of Cross-Default Guaranty of Subtenants—Proposed and Amendment to HUD Master Lease (Partial Termination and Release)—Proposed to reflect the 232 Handbook policy related to a release of a project from a master lease.

• *Closing documents*—Edits were made to the Surplus Cash Note and Subordination Agreement—(Financing) to restrict distributions when there is secondary financing.

• *Security Instrument/Mortgage Deed of Trust*—Edits were made to the exculpation provision in the Security Instrument/Mortgage Deed of Trust to reflect Multifamily's form and reduces the need to amend the document when the Regulatory Agreement—Borrower paragraph 38 is changed. New residential care facilities versions of Certificate of Actual Cost as well as a Rider to Security Instrument—LIHTC—were incorporated into the collection to replace Multifamily versions still in use which did not reflect ORCF policy.

• *Regulatory Agreement for Fire Safety*—A new Regulatory Agreement for Fire Safety projects and a Management Agreement Addendum, as well as formalization of a Lender Certification for Insurance Coverage, to incorporate current samples already in place were added to the documentation collection.

• *Escrow documents*—New proposed escrow forms for long-term debt service reserves and Off-Site Facilities were also added.

• *Asset Management documents*—Change of participant application documents were revised to streamline the documents needed for a change in title of mortgaged property, change of operator or management agent, or complete change of all the parties. Documents still being used in the Multifamily format were incorporated into this collection, to specifically address ORCF policy. New Lender Narratives were also added for the addition of Accounts Receivable, for Requests to Release or Modify Original Loan Collateral and Loan Modifications (along with a corresponding Certification). New forms were also added to incorporate existing samples in use for 232 Healthcare Portal Access, and notification to ORCF, by the Servicer and Operator of developing concerns within a project.

• *Supplemental Loan documents*—All 241a loan documents that have been in use as samples are now made a part of the documentation collection for OMB approval.

Note: HUD makes no changes to the Legal Opinion and Certification Documents.

Respondents (i.e. affected public): Borrowers/sponsors, general contractors, lenders, and others involved in residential healthcare facility projects.

Estimated Number of Respondents: 5,468.

Estimated Number of Responses: 24,459.

Frequency of Response: 708.

Average Hours per Response: 5.21.

Total Estimated Burden: 47,174.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: May 11, 2017.

Genger Charles,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2017–10229 Filed 5–18–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6006–N–01]

60-Day Notice of Proposed Information Record of Employee Interview

AGENCY: Office of Labor Standards and Enforcement, FPM, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval for the proposed information collection requirement described below, and will be submitting to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* July 18, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Saundra A. Green, Administrative Officer, Office of Field Policy and Management, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, Room 2120 or (202–402–5537), this is not a toll-free number or email at

Saundra.A.Green@hud.gov or a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number though TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollards, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 402–3400 (this is not a toll-free number) or email Colette Pollard at *Colette.Pollard@hud.gov* for copies of the proposed forms and other available information. Persons with hearing or speech impairments may access this number though TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Record of Employee Interview.

OMB Approval Number: 2501–0009.

Description of the need for the information and proposed use: The information is used by HUD and agencies administering HUD programs to collect information from laborers and mechanics employed on projects subjected to the Federal Labor Standards provisions. The information collected is compared to information submitted by the respective employer on certified payroll reports. The comparison tests the accuracy of the employer's payroll data and may disclose violations. Generally, these activities are geared to the respondent's benefit that is to determine whether the respondent was underpaid and to ensure the payment of wage restitution to the respondent.

Agency form numbers, if applicable: HUD–11.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: Estimated number of burden hours is 5,000. Estimated number of respondents is 20,000, the estimated number of responses is 20,000, the frequency of response is on occasion, and the burden hour per response is .25.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: May 1, 2017.

Pamela Glekas-Spring,

Director, Office of Labor Standards and Enforcement.

[FR Doc. 2017–10221 Filed 5–18–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6001–N–15]

60-Day Notice of Proposed Information Collection: Technical Suitability of Products Program Section 521 of the National Housing Act

AGENCY: Office of the Assistant Secretary for Housing- Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* July 18, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Pamela Beck Danner, Administrator, Office of Manufactured Housing Programs, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone 202–402–7112. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Danner.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Technical Suitability of Products Program Section 521 of the National Housing Act.

OMB Approval Number: 2502–0313.

Type of Request: Extension.

Form Number: HUD—92005.

Description of the need for the information and proposed use: This information is needed under HUD's Technical Suitability of Products Program to determine the acceptance of materials and products to be used in structures approved for mortgages insured under the National Housing Act.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 50.

Estimated Number of Responses: 50.

Frequency of Response: 1.

Average Hours per Response: 26.

Total Estimated Burdens: 2,200.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the

burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Date: May 12, 2017.

Genger Charles,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2017–10222 Filed 5–18–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6001–N–12]

60-Day Notice of Proposed Information Collection: Mortgagee's Application for Partial Settlement

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* July 18, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: James Chasten, Accountant, Multifamily Claims Branch, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email James Chasten at *james.chasten@hud.gov* or telephone 202–402–7208. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Mr. Chasten.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Multifamily Mortgagee's Application for Partial Settlement.

OMB Approval Number: 2502–0427.

Type of Request: Extension of currently approved collection.

Form Number: HUD–2737.

Description of the need for the information and proposed use: Begin settlement process. This information collected on the subject form, HUD–2537 (Mortgagee's Application for Partial Settlement-Multifamily Mortgage), provides the required information to determine the partial amount. This amount is computed in accordance with the foregoing statutory provisions and regulations promulgated there under in 24 CFR 207 (B), Contracts Rights and Obligations.

Respondents: Business and other for profit.

Estimated Number of Respondents: 115.

Estimated Number of Responses: 115.

Frequency of Response: 1.

Average Hours per Response: 29.

Total Estimated Burdens: .29.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: May 12, 2017.

Genger Charles,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2017–10228 Filed 5–18–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6001–N–13]

10-Day Notice of Proposed Information Collection: Certificate of Housing Counseling: Homeownership and Certificate of Housing Counseling: Home Retention

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Announcement notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 10 days of public comment.

DATES: *Comments Due Date:* May 30, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available

information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Certificate of Housing Counseling: Homeownership and Certificate of Housing Counseling: Home Retention.

OMB Approval Number: 2502–0607.

Type of Request: Emergency Reinstatement Request.

Form Number(s): HUD–9912, HUD–9911.

Description of the need for the information and proposed use: The forms are currently in the process of being revised as part of a home counseling and mortgage industry initiative to issue a housing counseling certificate when a borrower has received counseling for either home ownership or home retention. Due to a misunderstanding in communication that occurred in August 2015, both of these forms were discontinued by OMB as of 12/31/15, when the 83D was mistakenly forwarded to OMB. Due to the critical nature of this high-level project HUD is now at a disadvantage and cannot afford the time delay that can adversely impact the benefits of this program. HUD is now seeking an Emergency Reinstatement Request to be able to facilitate the original collection that will afford HUD the opportunity to begin work on a revision package that will detail the forms modifications and their intended use. Upon approval, OMB will be able to reinstate OMB Control Number 2502–0607 and reissue a new expiration date.

Respondents: 8,000.

Estimated Number of Respondents: Individual and Households.

Estimated Number of Responses: 832,000.

Frequency of Response: At least once, but could vary.

Average Hours per Response: .25 hours.

Total Estimated Burdens: 208,000.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: May 15, 2017.

Genger Charles,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2017–10224 Filed 5–18–17; 8:45 am]

BILLING CODE 4210–67–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–703 (Fourth Review)]

Furfuryl Alcohol From China; Scheduling of an Expedited Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty order on furfuryl alcohol from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: Effective April 10, 2017.

FOR FURTHER INFORMATION CONTACT: Amelia Shister (202–205–2047), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On April 10, 2017, the Commission determined that the domestic interested party group response to its notice of institution (82 FR 140, January 3, 2017) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).[2]

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on June 26, 2017, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[3] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before June 29, 2017 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

[2] Vice Chairman David S. Johanson voted to conduct a full review.

[3] The Commission has found the responses submitted by Penn A Kem LLC to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

contain any new factual information) pertinent to the review by June 29, 2017. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules with respect to filing were revised effective July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's Web site at *https://edis.usitc.gov.*

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: May 15, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–10143 Filed 5–18–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1359 (Preliminary)]

Carton Closing Staples From China

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of carton closing staples from China, provided for in subheadings 8305.20 and 7317.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'').

Commencement of Final Phase Investigation

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (''Commerce'') of an affirmative preliminary determination in the investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Background

On March 31, 2017, North American Steel & Wire/ISM Enterprises (''ISM''), Butler, Pennsylvania filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured by reason of LTFV imports of carton closing staples from China. Accordingly, effective March 31, 2017, the Commission, pursuant to section 733(a) of the Act (19 U.S.C. 1673b(a)), instituted antidumping duty investigation No. 731–TA–1359 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 7, 2017 (82 FR 17036). The conference was held in Washington, DC, on April 20, 2017, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made this determination pursuant to section 733(a) of the Act (19 U.S.C. 1673b(a)). It completed and filed its determination in this investigation on May 15, 2017. The views of the Commission are contained in USITC Publication 4694 (May 2017), entitled *Carton Closing Staples from China: Investigation No. 731–TA–1359 (Preliminary).*

Issued: May 15, 2017.

By order of the Commission.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–10142 Filed 5–18–17; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–989]

Certain Automated Teller Machines, ATM Modules, Components Thereof, and Products Containing the Same; Notice of Commission Determination To Review in Part a Final Initial Determination Finding a Violation of Section 337; Schedule for Filing Written Submissions on the Issues Under Review and on Remedy, the Public Interest and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part the final initial determination (''ID'') issued by the presiding administrative law judge (''ALJ'') on March 13, 2017 (served on March 14, 2017), finding a violation of section 337 of the Tariff Act of 1930, as amended, as to the pending patent claims in this investigation.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–3042. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on

this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on March 14, 2016, based on a complaint filed by Nautilus Hyosung Inc. of Seoul, Republic of Korea and Nautilus Hyosung America Inc. of Irving, Texas (collectively, ''Nautilus''). 81 FR 13149 (Mar. 14, 2016). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain automated teller machines, ATM modules, components thereof, and products containing the same by reason of infringement of one or more of claims 1–3 and 5 of U.S. Patent No. 7,891,551 (''the '551 patent''); claims 1 and 6 of U.S. Patent No. 7,950,655 (''the '655 patent''); claims 1–4, 6, and 7 of U.S. Patent No. 8,152,165 (''the '165 patent''); and claims 1–3, 6, 8, and 9 of U.S. Patent No. 8,523,235 (''the '235 patent''). *Id.* The notice of investigation named the following respondents: Diebold, Incorporated of North Canton, Ohio and Diebold Self-Service Systems of North Canton, Ohio (collectively, ''Diebold''). *Id.* The Office of Unfair Import Investigations is not a party to the investigation.

On June 30, 2016, the ALJ granted a motion by Nautilus to terminate the investigation as to all asserted claims of the '551 patent and the '165 patent. *See* Order No. 11 (June 30, 2016). The Commission determined not to review the ID. *See* Notice of non-review (July 27, 2016).

On July 21, 2016, the ALJ granted a motion by Nautilus to terminate the investigation as to all asserted claims of the '655 patent. *See* Order No. 17 (July 21, 2016). The Commission determined not to review the ID. *See* Notice of non-review (Aug. 16, 2016).

On March 13, 2017, the ALJ issued his final ID, finding a violation of section 337 by Diebold in connection with claims 1–3, 6, 8, and 9 of the '235 patent. Specifically, the ALJ found that the Commission has subject matter jurisdiction, *in rem* jurisdiction over the accused products, and *in personam* jurisdiction over Diebold. ID at 9, 104–107. The ALJ also found that Nautilus satisfied the importation requirement of section 337 (19 U.S.C. 1337(a)(1)(B)). *Id.* The ALJ further found that Diebold's accused products directly infringe asserted claims 1–3, 6, 8, and 9 of the '235 patent, and that Diebold also contributorily infringes those claims. *See* ID at 111–160, 163–172. The ALJ also found that Diebold failed to establish that the asserted claims of the '235 are invalid for (1) indefiniteness (2) anticipation, or (3) obviousness. ID at 232–311. Finally, the ALJ found that Nautilus established the existence of a domestic industry that practices the asserted patents under 19 U.S.C. 1337(a)(2). *See* ID at 212.

The final ID contains the ALJ's recommended determination on remedy and bonding. ID at 330–340. The ALJ recommends that in the event the Commission finds a violation of section 337, the Commission should issue a limited exclusion order prohibiting the importation of Diebold's automated teller machines, ATM modules, components thereof, and products containing the same that infringe the asserted claims of the '235 patent. ID at 335. The ALJ also recommends issuance of cease and desist orders based on the presence of Diebold's commercially significant inventory in the United States. ID at 338. With respect to the amount of bond that should be posted during the period of Presidential review, the ALJ recommends that the Commission set a bond in the amount of zero (*i.e.,* no bond) during the period of Presidential review because Nautilus ''did not attempt any type of price comparison.'' ID at 341.

On March 27, 2017, Diebold filed a petition for review of the ID, challenging a number of the ALJ's findings. *See* Respondents' Petition for Review and Contingent Petition for Review. Specifically, Diebold questions the ALJ's construction of certain claim limitations, infringement findings, and the ALJ's finding that asserted claims are not invalid. *Id.*

On April 4, 2017, Nautilus filed a response to Diebold's petition for review. *See* Complainants' Response to Respondents' Petition for Review.

Having examined the record of this investigation, including the ALJ's final ID, the petition for review, and the response thereto, the Commission has determined to review the final ID in part. Specifically, the Commission has determined to review (1) the ALJ's finding that the accused products and domestic industry products satisfy the claim limitation ''a main transfer unit coupled to the bundle separator and configured to horizontally transfer the individual sheets of the banknotes along a main transfer path'' and (2) the ALJ's finding that certain prior art does not disclose the preamble to claim 1: ''automatic depositing apparatus for automatically depositing a bundle of banknotes including at least one cheque.''

In connection with its review, the Commission is interested in responses to the following question:

1. Do the main transfer paths in the accused and domestic industry products deviate sufficiently from horizontal such that they do not fall within the claim limitation: ''a main transfer unit coupled to the bundle separator and configured to horizontally transfer the individual sheets of the banknotes along a main transfer path''? Please consider the doctrine of equivalents in your answer.

The parties are requested to brief only the discrete issue above, with reference to the applicable law and evidentiary record. The parties are not to brief other issues on review, which are adequately presented in the parties' existing filings.

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in the respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July

21, 2005. 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation are requested to file written submissions on the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding. Complainants are requested to submit proposed remedial orders for the Commission's consideration. Complainants are also requested to state the date that the patent expires and the HTSUS numbers under which the accused products are imported. Complainants are further requested to supply the names of known importers of the Nautilus products at issue in this investigation. The written submissions and proposed remedial orders must be filed no later than close of business on May 25, 2017. Reply submissions must be filed no later than the close of business on June 1, 2017. Opening submissions are limited to 50 pages. Reply submissions are limited to 25 pages. Such submissions should address the ALJ's recommended determinations on remedy and bonding. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight 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. 337–TA–989'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.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,[1] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: May 15, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–10144 Filed 5–18–17; 8:45 am]

BILLING CODE 7020–02–P

[1] All contract personnel will sign appropriate nondisclosure agreements.

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference; Committee on Rules of Practice and Procedure

AGENCY: Committee on Rules of Practice and Procedure, Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: The Committee on Rules of Practice and Procedure will hold a meeting on June 12–13, 2017. The meeting will be open to public observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: June 12–13, 2017.

TIME:
June 12—1:30 p.m.–5:00 p.m.
June 13—8:30 a.m.–3:00 p.m.

ADDRESSES: Thurgood Marshall Federal Judiciary Building, Mecham Conference Center, Administrative Office of the United States Courts, One Columbus Circle NE., Washington, DC 20544.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Womeldorf, Rules Committee Secretary, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: May 15, 2017.

Rebecca A. Womeldorf,

Rules Committee Secretary.

[FR Doc. 2017–10151 Filed 5–18–17; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Insys Manufacturing, LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before July 18, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant

Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on March 21, 2017, Insys Manufacturing, LLC, 2700 Oakmont Drive, Round Rock, Texas 78665 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I

The company plans to manufacture bulk synthetic active pharmaceutical ingredients (APIs) for product development and distribution to its customers. No other activity for these drug codes is authorized for this registration.

Dated: May 15, 2017.

Louis J. Milione,

Assistant Administrator.

[FR Doc. 2017–10230 Filed 5–18–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Patheon Pharmaceuticals, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic class, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before July 18, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on December 2, 2016, Patheon Pharmaceuticals, Inc., 2110 E. Galbraith Road, Cincinnati, Ohio 45237 applied to be registered as a bulk manufacturer of gamma hydroxybutyric acid (2010) a basic class of controlled substance listed in schedule I.

The company plans to manufacture the listed controlled substance for product development.

Dated: May 15, 2017.

Louis J. Milione,

Assistant Administrator.

[FR Doc. 2017–10238 Filed 5–18–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Eli-Elsohly Laboratories

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic class, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before July 18, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on March 3, 2017, Eli-Elsohly Laboratories, Mahmoud A. Elsohly Ph. D., 5 Industrial Park Drive, Oxford, Mississippi 38655 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Dihydromorphine	9145	I
Amphetamine	1100	II
Methamphetamine	1105	II
Cocaine	9041	II
Codeine	9050	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Ecgonine	9180	II
Hydrocodone	9193	II
Morphine	9300	II
Thebaine	9333	II

The company plans to manufacture the listed controlled substances for product development and reference standards. In reference to drug codes 7360 (marihuana) and 7370 (THC) the company plans to isolate these controlled substances from procured 7350 (marihuana extract). In reference to drug code 7360 no cultivation activities are authorized for this registration. No other activities for these drug codes are authorized for this registration.

Dated: May 15, 2017.

Louis J. Milione,

Assistant Administrator.

[FR Doc. 2017–10241 Filed 5–18–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: National Center for Natural Products Research NIDA MPROJECT

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic class, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before July 18, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on January 20, 2017, National Center for Natural Products Research NIDA MPROJECT, University of Mississippi, 135 Coy Waller Complex, P.O. Box 1848, University, Mississippi 38677–1848 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I

The company plans to bulk manufacture the listed controlled substances to make available to the National Institute on Drug Abuse (NIDA) a supply of bulk marihuana for distribution to research investigators in support of the national research program needs. No other activities for these drug codes are authorized for this registration.

Dated: May 15, 2017.

Louis J. Milione,

Assistant Administrator.

[FR Doc. 2017–10239 Filed 5–18–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Chemtos, LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic class, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before July 18, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on July 5, 2016, Chemtos, LLC, 14101 W. Highway 290, Building 2000B, Austin, Texas 78737–9331 applied to be registered as a bulk manufacturer for the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
Methaqualone	2565	I
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole)	6250	I
5-Flouro-UR-144 and XLR11 [1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	7011	I

Controlled substance	Drug code	Schedule
JWH-019 (1-Hexyl-3-(1-naphthoyl)indole)	7019	I
JWH-018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole)	7122	I
UR-144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	7144	I
JWH-073 (1-Butyl-3-(1-naphthoyl)indole)	7173	I
Lysergic acid diethylamide	7315	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C–T–7)	7348	I
3,4-Methylenedioxyamphetamine	7400	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
MDPV (3,4-Methylenedioxypyrovalerone)	7535	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Desomorphine	9055	I
Norlevorphanol	9634	I
Phencyclidine	7471	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Noroxymorphone	9668	II
Sufentanil	9740	II
Tapentadol	9780	II
Fentanyl	9801	II

The company plans to manufacture small quantities of the listed controlled substances in bulk for distribution to its customers.

Dated: May 15, 2017.

Louis J. Milione,

Assistant Administrator.

[FR Doc. 2017–10231 Filed 5–18–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Johnson Matthey Pharmaceutical Materials, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before July 18, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on September 26, 2016, Johnson Matthey Pharmaceutical Materials, Inc., Pharmaceutical Service, 25 Patton Road, Devens, Massachusetts 01434 applied to be registered as a bulk manufacturer of the following basic classes controlled substances:

Controlled substance	Drug code	Schedule
Amphetamine	1100	II
Methylphenidate	1724	II
Nabilone	7379	II
Hydrocodone	9193	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II

The company plans to utilize this facility to manufacture small quantities of the listed controlled substances in bulk for distribution to its customers as well as to conduct analytical testing in support of the company's primary manufacturing facility in West Deptford, New Jersey.

Dated: May 15, 2017.

Louis J. Milione,

Assistant Administrator.

[FR Doc. 2017–10233 Filed 5–18–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Galephar Pharmaceutical Research, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic class, and applicants

therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before June 19, 2017. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before June 19, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix of subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on November 10, 2016, Galephar Pharmaceutical Research, Inc., #100 Carr 198, Industrial Park, Juncos, Puerto Rico 00777–3873 applied to be registered as an importer of hydromorphone (9150), a basic class of controlled substance listed in schedule II.

The company plans to import the listed controlled substance in finished dosage form for clinical trials, research and analytical purposes.

The import of this class of controlled substance will be granted only for analytical testing, research, and clinical trials. This authorization does not extend to the import of a finished FDA approved or non-approved dosage form for commercial sale.

Dated: May 15, 2017.

Louis J. Milione,

Assistant Administrator.

[FR Doc. 2017–10234 Filed 5–18–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Whatever LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic class, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before June 19, 2017. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before June 19, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. Comments and requests for hearing on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007).

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on October 16, 2015, Whatever LLC, 4370 N. Randall Street, Flagstaff, Arizona 86004 applied to be registered as an importer of opium poppy (9650), a basic class of controlled substance listed in schedule II.

The company plans to import opium poppy (9650), for dried floral decorative arrangements. Approval of permit application will occur only when the registrant's business activity is consistent with what is authorized under to 21 U.S.C. 952(a)(2).

Dated: May 15, 2017.

Louis J. Milione,

Assistant Administrator.

[FR Doc. 2017–10243 Filed 5–18–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: American Radiolabeled Chemicals

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before July 18, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on March 7, 2017, American Radiolabeled Chemicals, Inc., 101 Arc Drive, Saint Louis, Missouri 63146 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Gamma Hydroxybutyric Acid	2010	I
Ibogaine	7260	I
Lysergic acid diethylamide	7315	I
Tetrahydrocannabinols	7370	I
Dimethyltryptamine	7435	I
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
Dihydromorphine	9145	I
Heroin	9200	I
Normorphine	9313	I
Amphetamine	1100	II
Methamphetamine	1105	II
Amobarbital	2125	II
Phencyclidine	7471	II
Phenylacetone	8501	II
Cocaine	9041	II
Codeine	9050	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Ecgonine	9180	II
Hydrocodone	9193	II
Meperidine	9230	II
Metazocine	9240	II
Methadone	9250	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Oripavine	9330	II
Thebaine	9333	II
Oxymorphone	9652	II
Phenazocine	9715	II
Carfentanil	9743	II
Fentanyl	9801	II

The company plans to manufacture small quantities of the listed controlled substances as radiolabeled compounds for biochemical research.

Dated: May 15, 2017.

Louis J. Milione,

Assistant Administrator.

[FR Doc. 2017–10240 Filed 5–18–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Mallinckrodt LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before June 19, 2017. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before June 19, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA **Federal Register** Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. Comments and requests for hearing on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007).

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispenses, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on December 21, 2016, Mallinckrodt LLC, 3600 North Second Street, Saint Louis, Missouri 63147 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana	7360	I

Controlled substance	Drug code	Schedule
Phenylacetone	8501	II
Coca Leaves	9040	II
Opium, raw	9600	II
Poppy Straw Concentrate	9670	II

The company plans to import the listed controlled substances to bulk manufacture into Active Pharmaceutical Ingredients for distribution to its customers. Placement of these drug codes onto the company's registration does not translate into automatic approval of subsequent permit applications to import controlled substances.

In reference to drug code 7360 (Marihuana) the company plans to import a synthetic cannabidiol. No other activity for this drug code is authorized for this registration.

Dated: May 15, 2017.

Louis J. Milione,

Assistant Administrator.

[FR Doc. 2017–10242 Filed 5–18–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Notice of Charter Reestablishment

In accordance with the provisions of the Federal Advisory Committee Act, Title 5, United States Code, Appendix, and Title 41, Code of Federal Regulations 101–6.1015, with the concurrence of the Attorney General, I have determined that the reestablishment of the Criminal Justice Information Services (CJIS) Advisory Policy Board (APB) is in the public interest. In connection with the performance of duties imposed upon the FBI by law, I hereby give notice of the reestablishment of the APB Charter.

The APB provides me with general policy recommendations with respect to the philosophy, concept, and operational principles of the various criminal justice information systems managed by the FBI's CJIS Division.

The APB includes representatives from local and state criminal justice agencies; tribal law enforcement representatives; members of the judicial, prosecutorial, and correctional sectors of the criminal justice community, as well as one individual representing a national security agency; a representative of the National Crime Prevention and Privacy Compact Council; a representative of federal agencies participating in the CJIS Division Systems; and representatives of criminal justice professional associations (*i.e.,* the American Probation and Parole Association; American Society of Crime Laboratory Directors; International Association of Chiefs of Police; National District Attorneys Association; National Sheriffs' Association; Major Cities Chiefs Association; Major County Sheriffs' Association; and a representative from a national professional association representing the courts or court administrators nominated by the Conference of Chief Justices). The Attorney General has granted me the authority to appoint all members to the APB.

The APB functions solely as an advisory body in compliance with the provisions of the Federal Advisory Committee Act. The Charter has been filed in accordance with the provisions of the Act.

Dated: May 10, 2017.

Andrew G. McCabe,

Acting Director.

[FR Doc. 2017–10095 Filed 5–18–17; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0058]

Agency Information Collection Activities; Proposed Collection; Comments Requested National Incident-Based Reporting System (NIBRS)

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 30-day notice.

SUMMARY: Department of Justice (DOJ), Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until June 19, 2017.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Mrs. Amy C. Blasher, Unit Chief, Federal Bureau of Investigation, CJIS Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–3566. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection:

(1) *Type of Information Collection:* Extension with change, of a currently approved collection.

(2) *Title of the Form/Collection:* National Incident-Based Reporting System.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Agency form number: 1110–0058. Sponsoring component: Department of

Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division.

Affected public who will be asked or required to respond, as well as a brief abstract: Primary: City, county, state, federal, and tribal law enforcement agencies. Abstract: Under Title 28, U.S. Code, Section 534, Acquisition, Preservation, and Exchange of Identification Records; Appointment of Officials, June 11, 1930; Public Law 109–177 (H.R. 3199), March 9, 2006, USA Patriot Improvement and Reauthorization Act of 2005; Public Law 110–457, Title II, Section 237(a), (b), December 23, 2008, the William Wilberforce Trafficking Victims Reauthorization Act of 2008, and Matthew Shepard Hate Crimes Prevention Act, April 28, 2009, this collection requests Incident data from city, county, state, tribal and federal law enforcement agencies in order for the FBI UCR Program to serve as the national clearinghouse for the collection and dissemination of crime data and to publish these statistics in Crime in the United States, Hate Crime Statistics, and Law Enforcement Officers Killed and Assaulted. NIBRS is an incident-based reporting system in which law enforcement collects data on each crime occurrence. Designed to be generated as a byproduct of local, state, and federal automated records systems, currently, the NIBRS collects data on each incident and arrest within 24 crime categories made up of 52 specific crimes called Group A offenses. For each of the offenses coming to the attention of law enforcement, various facts about the crime are collected. In addition to the Group A offenses, there are 10 Group B offense categories for which only arrest data are reported. The most significant difference between NIBRS and the traditional Summary Reporting System (SRS) is the degree of detail in reporting. In reporting data via the traditional SRS, law enforcement agencies tally the occurrences of ten Part I crimes. NIBRS is capable of producing more detailed, accurate, and meaningful data because data are collected about when and where crime takes place, what form it takes, and the characteristics of its victims and perpetrators. Although most of the general concepts for collecting, scoring, and reporting UCR data in the SRS apply in the NIBRS, such as jurisdictional rules, there are some important differences in the two systems. The most notable differences that give the NIBRS an advantage over the SRS are: No Hierarchy Rule, in a multiple-offense incident NIBRS reports every offense occurring during the incident where SRS would report just the most serious offense and the lower-listed offense would not be reported; NIBRS provides revised, expanded, and new offense definitions; NIBRS provides more specificity in reporting offenses, using NIBRS offense and arrest data for 24 Group A offense categories can be reported while in the SRS ten Part I offenses can be reported; NIBRS can distinguish between attempted and completed Group A crimes; NIBRS also provides crimes against society while the SRS does not; the victim-to-offender data, circumstance reporting, drug related offenses, offenders suspected use of drugs, and computer crime is expanded in NIBRS; the NIBRS update reports are directly tied to the original incident submitted. The Group A offense categories include arson, assault offenses, bribery, burglary/breaking and entering, counterfeiting/forgery, destruction/damage/vandalism of property, drug/narcotic offenses, embezzlement, extortion/blackmail, fraud offenses, gambling offenses, homicide offenses, human trafficking, kidnapping/abduction, larceny/theft offenses, motor vehicle theft, pornography/obscene material, prostitution offenses, robbery, sex offenses, sex offenses/nonforcible, stolen property offenses, and weapon law violations. The Group B offense categories include bad checks, curfew/loitering/vagrancy violations, disorderly conduct, DUI, drunkenness, family offenses/nonviolent, liquor law violations, peeping tom, trespass of real property, and all other offenses. Beginning in 2019, the NIBRS will also collect additional data values to capture data on domestic violence, cargo theft, and negligent manslaughter.

(4) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* There are approximately 6,648 law enforcement agencies. The amount of time estimated for an average respondent to respond is two hours monthly which totals to an annual hour burden of 24 hours. The 2 hours to respond is the time it takes for the agencies records management system (RMS) to download the NIBRS and send to the FBI. By design, law enforcement agencies generate NIBRS data as a by-product of their RMS. Therefore, a law enforcement agency builds its system to suit its own individual needs, including all of the information required for administration and operation; then forwards only the data required by the NIBRS to participate in the FBI UCR Program.

(5) *An estimate of the total public burden (in hours) associated with the collection:* There are approximately 159,552 hours, annual burden, associated with this information collection. The total number of respondents is 6,648 with a total annual hour burden of 24 hours, (6,648 × 24 = 159,552 total annual hours). If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Suite 3E.405B, Washington, DC 20530.

Dated: May 16, 2017.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2017–10236 Filed 5–18–17; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On May 15, 2017, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Minnesota in the lawsuit entitled *United States and Minnesota* v. *Mesabi Nugget Delaware, LLC,* Civil Action No. 0:17-cv-01606–RHK.

The United States and Minnesota filed this Complaint asserting 15 claims under the Clean Air Act against Mesabi Nugget Delaware, LLC, an iron nugget producer that owns and operates a plant located near Hoyt Lakes, Minnesota. The Complaint alleges violations of various emissions limits for mercury, particulate matter, and other pollutants as set forth in Mesabi Nugget's Title V Permit. Under the proposed Consent Decree, Mesabi Nugget will pay $150,000 as a civil penalty and agrees, prior to restarting the currently idled facility, to implement various measures to improve its monitoring and control of emissions and to comply with interim emission limits while working with the State to refine certain emission limits.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division and should refer to *United States and Minnesota* v. *Mesabi Nugget Delaware, LLC,* D.J. Ref. No. 90–5–2–1–10952. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $18.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Randall M. Stone,

Acting Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–10208 Filed 5–18–17; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0004]

Agency Information Collection Activities; Proposed eCollection; eComments Requested; Number of Full-Time Law Enforcement Employees as of October 31

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: Department of Justice (DOJ), Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until June 19, 2017.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Ms. Amy Blasher, Unit Chief, Federal Bureau of Investigation, CJIS Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–3566. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of information collection:* Extension of a currently approved collection.

(2) *Title of the form/collection:* Number of Full-Time Law Enforcement Employees as of October 31.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Agency form number: 1–711. Sponsoring component: Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* City, county, state, federal, and tribal law enforcement agencies. Abstract: Under Title 28, U.S. Code, Section 534, Acquisition, Preservation, and Exchange of Identification Records; and Appointment of Officials, 1930, this collection requests the number of arson form city, county, state, tribal, and federal law enforcement agencies in order for the FBI UCR Program to serve as the national clearinghouse for the collection and dissemination of police employee data and to publish these statistics in Crime in the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* There are approximately 18,439 law enforcement agency respondents that submit once a year for a total of 18,439 responses with an estimated response time of 8 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 2,459 hours, annual burden, associated with this information collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Suite 3E.405B, Washington, DC 20530.

Dated: May 16, 2016.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2017–10145 Filed 5–18–17; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; State Exchange on Employment and Disability Initiative Evaluation

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Disability Employment Policy (ODEP) sponsored information collection request (ICR) proposal titled, ''State Exchange on Employment and Disability Initiative Evaluation,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before June 19, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of

response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201612-1230-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ODEP, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks PRA authority for the State Exchange on Employment and Disability (SEED) Initiative Evaluation information collection, which will consist of a brief on-line survey that will aid in the formative evaluation of the SEED initiative. The SEED initiative is designed to advance policy development at the State and local levels to promote employment opportunities for people with disabilities. This survey will be distributed to a sample of State Legislators and their staff who have had the opportunity to participate in SEED related activities and/or learn about SEED through various dissemination activities. Consolidated Appropriations Act of 2016 Division H Title I section 107(a) authorizes this information collection. *See* Public Law 114–113 Division H Title I section 107(a).

This proposed information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. For additional information, see the related notice published in the **Federal Register** on November 23, 2016 (81 FR 84618).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB ICR Reference Number 201612–1230–001. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ODEP.

Title of Collection: State Exchange on Employment and Disability Initiative Evaluation.

OMB ICR Reference Number: 201612–1230–001.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 500.

Total Estimated Number of Responses: 500.

Total Estimated Annual Time Burden: 108 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: May 8, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–10104 Filed 5–18–17; 8:45 am]

BILLING CODE 4510–FX–P

NATIONAL TRANSPORTATION SAFETY BOARD

Privacy Act of 1974 System of Records Notice

AGENCY: National Transportation Safety Board (NTSB).

ACTION: Notice to establish a new Privacy Act System of Records.

SUMMARY: The NTSB is notifying the public about a new Privacy Act System of Records for its Medical Investigation Catalog System (MEDICS). MEDICS maintains personally identifiable health information that the NTSB collects in electronic form about individuals involved in transportation accidents and incidents that the NTSB investigates.

DATES: This action will be effective without further notice 30 days from the date of publication in the **Federal Register**, unless the NTSB receives comments that result in a contrary determination.

ADDRESSES: You may send written comments using any of the following methods:

1. *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
2. *Mail:* Mail comments concerning this notice to Melba D. Moye, CIO–40, National Transportation Safety Board, 490 L'Enfant Plaza SW., Washington, DC 20594–2000.
3. *Virtual Fax:* (202) 558–4290, Attention: Melba D. Moye.
4. *Hand Delivery:* 6th Floor, National Transportation Safety Board, CIO–40, 490 L'Enfant Plaza SW., Washington, DC, between 9 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

All comments received will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Melba D. Moye, Office of Chief Information Officer, Records Management Division, (202) 314–6551.

PRIVACY ACT SYSTEM OF RECORDS:

Medical Investigation Catalog System (MEDICS) NTSB–33

SYSTEM NAME:

Medical Investigation Catalog System (MEDICS).

SYSTEM LOCATION:

National Transportation Safety Board, Office of Research and Engineering, 490 L'Enfant Plaza SW., Washington, DC 20594.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

MEDICS records contain personally identifiable information (PII), which may include health information as defined below, of individuals such as operators, crewmembers, occupants, and bystanders involved in transportation accidents or incidents investigated or studied by the NTSB, as well as related PII of individuals responsible for providing their medical care.

CATEGORIES OF RECORDS IN THE SYSTEM:

MEDICS contains electronically recorded PII, including health information, which means any information that—

(A) Is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and

(B) Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual.

MEDICS may also contain electronically recorded health information, as described by paragraph B above, from individuals, families, or other entities, whether created or received by or from one of the entities described in paragraph A above. For the NTSB's purposes, this includes any record of medical conditions or care, for example, notes from a health care provider; medical certification documentation such as Federal Aviation Administration blue ribbon files and commercial driver's license long forms; results of any drug or toxicology tests; radiology images; autopsy reports; laboratory reports; prehospital patient care reports; ambulance run sheets or patient care reports; pharmacy records; billing and insurance information; results from a search of a prescription monitoring program; and any other official record related to an individual's health care.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 49 *United States Code* (*U.S.C.*) Chapter 11 and Title 49 *Code of Federal Regulations* (*CFR*) Parts 802 and 831.

PURPOSE(S):

The purpose of MEDICS is to securely receive and store health information records. The NTSB is an independent federal agency responsible for determining the probable cause of transportation accidents or incidents, conducting transportation safety research, promoting transportation safety, and assisting victims of transportation accidents and their families. In support of the agency's statutory mandate, NTSB investigators, medical officers, and staff routinely review health information records to assess the facts and circumstances of an accident or incident.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES, AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under the Privacy Act, 5 *U.S.C.* 552a(b), and described in the NTSB's Appendix A: General Routine Uses Applicable to All Systems of Records (currently published at 77 **Federal Register** 62060, 62087 on October 11, 2012), the NTSB may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. Disclosure to NTSB employees in their official capacity and who have a need to know in the course of an ongoing official NTSB activity, including, but not limited to the following duties:

a. Providing assistance to victims of transportation accidents and their families;

b. performing analysis as part of any special study or investigation about transportation safety, including avoiding personal injury; and

c. examining techniques and methods of investigation and periodically publishing recommended procedures for accident and incident investigations.

2. Disclosure to participants in NTSB investigations, with suitable technical expertise as determined by the NTSB, to assist in establishing the facts and circumstances of investigations. Participants may include suitable technical representatives from operators or manufacturers involved in accidents or incidents as well as representatives from federal, state, and local agencies;

3. Disclosure to medical consultants or contractors as appropriate to enable consultation related to the investigation;

4. Disclosure when necessary to the public of as part of the evidentiary record or as part of an agency report in an investigation or study pursuant to 49 *U.S.C.* Chapter 11;

5. Disclosure of autopsy and toxicology reports to the US Department of Transportation, the US Coast Guard, and other federal departments or agencies; and

6. Disclosure to an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM STORAGE:

These records are maintained electronically in a database. Only NTSB personnel may access the health information of individuals whose medical conditions or medical care may be relevant to determining the probable cause of an accident or incident, to evaluate human performance or survival factors issues arising during an accident or incident investigation, as part of the victim and family assistance process following an accident or incident, to carry out special studies and investigations about transportation safety (including avoiding personal injury), or to examine techniques and methods of accident or incident investigation, and periodically publish recommended procedures for accident or incident investigations.

RETRIEVABILITY:

The MEDICS system is searchable by NTSB accident or incident number; accident city; accident state; accident country; and individual name, age, and date of birth.

SAFEGUARDS:

The computerized records contained within MEDICS are maintained in a secure, password-protected computer system. Access to and use of these records are limited to those persons whose official duties require such access. This system conforms to all applicable federal laws and regulations, as well as NTSB policies and standards, as they relate to information security and data privacy. In this regard, the following laws and regulations may apply: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996 (HIPAA); the E-Government Act of 2002; and corresponding regulations implementing these statutes. The NTSB is a public health authority for purposes of HIPAA, 79 **Federal Register** 28970, May 20, 2014.

RETENTION AND DISPOSAL:

The NTSB will maintain all relevant and necessary PII records, including health information, until a record disposal schedule is approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Medical Officer, Office of Research and Engineering, National Transportation Safety Board, 490 L'Enfant Plaza SW., Washington, DC 20594.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire about whether this system of records contains information about them may contact the Chief, Records Management Division, National Transportation Safety Board, 490 L'Enfant Plaza SW., Washington, DC 20594. Individuals must comply with NTSB regulations regarding the Privacy Act, 49 *CFR* Part 802, and must furnish the following information for their records to be located and identified:

1. Full name(s)
2. Date of birth
3. If known, the date and location of the accident, incident, or occurrence, or the NTSB investigation identifier(s) for the investigation(s) in which the NTSB created or obtained the record
4. Signature

RECORD ACCESS PROCEDURE:

Same as the Notification Procedure.

CONTESTING RECORD PROCEDURE:

a. Individuals wishing to amend their records should contact the agency office identified in the Notification Procedure section and furnish such identifying information as required by the agency to locate and identify the records to be amended.

b. Individuals seeking amendment of their records must also follow the agency's Privacy Act regulations, 49 *CFR* Part 802.

c. Where the requested amendment implicates information provided by a third-party source, the agency will refer the individual to the source from which the agency obtained the information. The NTSB is not authorized to amend records from non-agency sources. Additionally, the NTSB is not authorized to direct a non-agency source to change or alter records.

d. Because medical practitioners may provide differing but equally valid medical judgments and opinions when making medical evaluations of an individual's health status, review of requests from individuals seeking amendment of their medical records, beyond administrative correction such as association of a medical record with an incorrect individual, may be limited to consideration of including the differing opinion in the record rather than attempting to determine whether the original opinion is accurate.

RECORD SOURCE CATEGORIES:

Health information is obtained from health care providers, insurers, employers, individuals, and family members of accident victims. The NTSB may also obtain health information from other federal, state, and local agencies that perform criminal, civil, or accident investigations or regulatory oversight.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: May 15, 2017.

LaSean R. McCray,

Assistant Federal Register Liaison Officer.

[FR Doc. 2017–10220 Filed 5–18–17; 8:45 am]

BILLING CODE 7533–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2016–150; MC2017–132 and CP2017–187; MC2017–133 and CP2017–188]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* May 22, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2016–150; *Filing Title:* Notice of United States Postal Service of Amendment to Priority Mail Express & Priority Mail Contract 29, with Portions Filed Under Seal; *Filing Acceptance Date:* May 12, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Kenneth R. Moeller; *Comments Due:* May 22, 2017.

2. *Docket No(s).:* MC2017–132 and CP2017–187; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Express, Priority Mail & First-Class Package Service Contract 19 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* May 12, 2017; *Filing Authority:* 39

U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Christopher C. Mohr; *Comments Due:* May 22, 2017.

3. *Docket No(s).:* MC2017–133 and CP2017–188; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 319 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* May 12, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Christopher C. Mohr; *Comments Due:* May 22, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–10119 Filed 5–18–17; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, & First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* May 19, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 12, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Express, Priority Mail, & First-Class Package Service Contract 19 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–132, CP2017–187.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–10117 Filed 5–18–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* May 19, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 12, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 319 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–133, CP2017–188.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–10116 Filed 5–18–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* May 19, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 5, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 317 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–129, CP2017–182.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–10115 Filed 5–18–17; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80673; File No. SR–CHX–2017–09]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding Anonymous Trade Reporting and Clearing

May 15, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that on May 11, 2017, the Chicago Stock Exchange, Inc. (''CHX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

CHX proposes to amend Article 21, Rule 5 of the Rules of the Exchange (''CHX Rules'') regarding anonymous trade reporting and clearing. The text of this proposed rule change is available on the Exchange's Web site at (*www.chx.com*) and in 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 CHX included statements concerning the purpose of and basis for the proposed rule changes [sic] 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 CHX has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Article 21, Rule 5 to mandate anonymity for all transaction and clearing reports resulting from all executions on the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Exchange, which would include executions resulting from both single-sided and cross orders,[3] subject to certain current exceptions. To this end, the Exchange proposes to eliminate (1) the requirement that a Participant[4] affirmatively request that its identity remain anonymous on transaction and clearing reports and (2) the exclusion of cross orders from the scope of Article 21, Rule 5.

The Exchange is proposing the amendments to update its outdated trade and clearing anonymity rule and to harmonize the rule with similar rules and practices of other exchanges, such as Bats BYX Exchange and the Investors Exchange (''IEX'').[5] Aside from these changes, the Exchange does not propose any other amendments to the CHX Rules.

(1) Background

In October 2007, the Exchange adopted current Article 21, Rule 5 (Anonymous Trade Reporting and Clearing).[6] Thereunder, current Rule 5(a) provides that, except as provided under current Rule 5(e), transaction reports for all trades executed on the Exchange will indicate the details of the transaction, but will not reveal a Participant's identity as a contra party if that Participant has requested that its identity remain anonymous. Also, current Rule 5(e) provides that the provisions of Rule 5 shall not apply to any type of cross trade executed on the Exchange, the result of which is that transaction reports for cross executions will always reveal the identity of the parties.

However, in recent years, trading activity on the Exchange has evolved such that trade and clearing anonymity have become routinely necessary for Participants for all types of executions on the Exchange. In particular, trade and clearing anonymity have become ubiquitous market wide and many Participants are members of other national securities exchanges that mandate trade and clearing anonymity, subject to certain exceptions.[7] At CHX, all of the most active Participants have requested trade anonymity and the Exchange is not aware of any Participant that requires its identity be disclosed on transaction and clearing reports. Consequently, the Exchange believes that the current requirement that a Participant elect anonymity for single-sided executions imposes an unnecessary compliance burden on Participants, especially on those Participants that are members of other national securities exchanges with mandatory trade and clearing anonymity, which would be eliminated by harmonizing Article 21, Rule 5 with the rules of other national securities exchanges, such [sic] Bats BYX.

With respect to cross executions, the Exchange believes that the original purpose for excluding cross executions from the scope of Article 21, Rule 5, which was to provide Participants [sic] ''with a sufficiently detailed trade or clearing report to permit it to effectively service its customers' needs,''[8] has been obviated by enhancements to back office operations realized by Participants that submit cross orders. As such, the disclosure of the identity of parties to the trade on a cross transaction report is no longer necessary. In fact, the Participants that submit cross orders have recently expressed a strong preference for anonymous transaction reports. Accordingly, the Exchange believes it necessary and appropriate to apply mandatory trade and clearing anonymity to cross executions.

(2) Amended Article 21, Rule 5

In light of the above, the Exchange proposes to amend current Rule 5(a) to mandate trade and clearing anonymity for all executions on the Exchange. Specifically, amended Rule 5(a) would provide that transaction reports produced by the Exchange will indicate the details of transactions executed on the Exchange, but shall not reveal contra party identities. Amended Rule 5(a) would further provide that except as set forth in paragraph (b) below,[9] transactions executed on the Exchange will also be cleared and settled anonymously. In addition, in order to mandate trade and clearing anonymity for cross executions, the Exchange proposes to delete current Rule 5(e) in its entirety and, since two or more Participants may be parties to a particular cross execution,[10] the Exchange proposes to amend current Rule 5(b)(3)[11] to provide that the Exchange will reveal the identity of a Participant or a Participant's clearing firm if *all* parties to the trade consent.

2. Statutory Basis

The Exchange believes that proposed rule change is consistent with Section 6(b) of the Act[12] in general and Section 6(b)(5) of the Act[13] in particular, which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest.

In particular, the Exchange believes that the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system by promoting consistency and uniformity among different markets[14] regarding trade and clearing anonymity. For Participants that are members of other exchanges, the proposed rule change will result in efficiencies with respect to such Participants' rule compliance efforts.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will reduce the regulatory burden placed on market participants that are members of various markets, as well as reduce administrative burden on the Exchange. The Exchange believes that the harmonization of the anonymous trade reporting and clearing provisions across the various markets[15] will reduce burdens on competition by removing impediments to participation in the national market system.

[3] *See* CHX Article 1, Rule 2(a)(2) defining ''cross order.''

[4] A Participant is a ''member'' of the Exchange for purposes of the Act. *See* CHX Article 1, Rule 1(s).

[5] *See* Bats BYX Rule 11.15(d); *see also* IEX Rule 11.250(c).

[6] *See* Exchange Act Release No. 56704 (October 25, 2007), 72 FR 61921 (November 1, 2007) (SR–CHX–2007–20).

[7] *See supra* note 5.

[8] *See* SR–CHX–2007–20, *id,* at 61921.

[9] Current CHX Article 21, Rule 5(b) provides that the Exchange will reveal the identity of a Participant or a Participant's clearing firm in the following circumstances: (1) For regulatory purposes or to comply with an order of a court or arbitrator; (2) when the National Securities Clearing Corporation (''NSCC'') ceases to act for a Participant or a Participant's clearing firm and NSCC determines not to guarantee the settlement of a Participant's trades; or (3) if both parties to the trade consent.

[10] *See* Exchange Act Release No. 77785 (May 9, 2016), 81 FR 29936 (May 13, 2016) (SR–CHX–2016–06).

[11] *See supra* note 9.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *See supra* note 5.

[15] *See id.*

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [16] and subparagraph (f)(6) of Rule 19b–4 thereunder.[17]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [18] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change will become operative on May 15, 2017. The Exchange stated that the proposed rule change is consistent with the protection of investors and the public interest by immediately eliminating the administrative burden of enforcing an outdated rule and by facilitating compliance with CHX Rules by current and new Participants that are already accustomed to the mandatory trade and clearing anonymity rules and practices of other exchanges. Waiver of the operative delay would allow the Exchange, without delay, to make its trade and clearing anonymity rules consistent with the rules and practices of other exchanges. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest as it will permit CHX to harmonize its trade and clearing rules with those of the other exchanges without delay. Therefore, the Commission designates the proposed rule change to be operative on May 15, 2017.[19]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CHX–2017–09 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–CHX–2017–09. 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–CHX–2017–09, and should be submitted on or before June 9, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–10128 Filed 5–18–17; 8:45 am]

BILLING CODE 8011–01–P

[16] 15 U.S.C. 78s(b)(3)(A)(iii).

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80674; File No. SR–ICEEU–2017–007]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Proposed Rule Change, Security-Based Swap Submission or Advance Notice Relating to Amendments to the ICE Clear Europe Limited Articles of Association

May 15, 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 May 2, 2017, ICE Clear Europe Limited (''ICE Clear Europe'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes described in Items I, II, and III below, which Items have been prepared primarily by ICE Clear Europe. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change, Security-Based Swap Submission, or Advance Notice

The principal purpose of the proposed rule change is to modify certain provisions of the ICE Clear Europe Articles of Association.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change, Security-Based Swap Submission or Advance Notice

In its filing with the Commission, ICE Clear Europe 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

places specified in Item IV below. ICE Clear Europe has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change, Security-Based Swap Submission or Advance Notice

1. Purpose

The purpose of the changes is to make certain amendments to ICE Clear Europe's Articles of Association (the ''Articles''). The amendments are generally intended to update the Articles to reflect the Clearing House's committee structure, to modify certain matters relating to the term of office of directors and to adopt certain new procedures addressing conflicts of interest of directors, as discussed in more detail herein.

In article 1,[3] a cross-reference to relevant parts of UK companies regulations has been updated. In article 3, certain definitions have been updated, including to add definitions for key existing committees: The Audit Committee, Board Risk Committee, Compensation Committee and Nominations Committee. The amendments also update the definition of Risk Committee to refer to product-specific Risk Committees (as distinct from the Board Risk Committee). A reference to the former UK Financial Services Authority has been updated to refer to the Bank of England, consistent with changes in the UK regulatory structure. A definition has also been added for the Senior Independent Director, as discussed below. Certain definitional provisions have also been clarified, including to remove unnecessary references to certain extraordinary resolutions. Article 4 has been updated to provide a cross-reference to regulations referred to in article 1.

Articles 7 and 8 have been revised to remove certain unnecessary distinctions between annual general meetings of members (*i.e.,* shareholders) and extraordinary general meetings of members (given that the clearing house has a single shareholder). A typographical correction is made in article 12.

In article 25, the minimum number of directors has been changed from two to six (the maximum of twelve is unchanged, as are the requirements with respect to independent directors). The clearing house currently has ten directors; as a result, this amendment is not expected to affect current operations of the board. Article 26 has been revised to reflect that selection of replacement or additional directors will be made following recommendation by the Nominations Committee. Article 29 provides for the board to appoint one of its independent directors as Senior Independent Director (and to revoke or termination such appointment at its discretion). The Senior Independent Director will serve as the lead independent director appointed in accordance with the UK Corporate Governance Code[4] as in effect from time to time (to which the clearing house is subject).

The amendments make certain changes to the procedures for staggering the retirement or rotation of independent directors. Under revised Articles 31 and 32, at a general meeting to be held each year, the two longest serving independent directors (who are not CDS directors) that have served at least three consecutive years on the board, at the discretion of the Nominations Committee, must retire from office, but may offer themselves for reappointment for a new three year term by the shareholder. An independent director may be so reappointed a maximum of two times for three year terms, unless the clearing house by resolution of its sole shareholder determines otherwise. The provisions for the retirement or rotation of CDS directors are unchanged. The revised retirement procedures do not apply to directors other than independent directors. Various conforming and clarifying changes have been made in article 33, which will provide that a director whose term ends at a general meeting may be reappointed and if not, may retain office until the meeting appoints a replacement (or until the end of the meeting if no replacement is named). In article 34, standards for determining that a director has become incapacitated have been updated. The amendments also reduce from six to three the number of consecutive meetings that a director may miss before being removed on that basis.

A new article 37 has been added to state explicitly that the directors will appoint the members of the relevant committees, as is current practice, consistent with the terms of reference for those committees, and that the committees will operate in accordance with such terms of reference. Article 43, which addresses delegation of board powers to committees, has been revised to refer explicitly to the Audit Committee, Board Risk Committee, Nominations Committee and Compensation Committee, and such other committees as the board determines may be required. A new article 48 has been added to require independent directors to disclose to the board all other directorships they hold, both prior to appointment and on an ongoing basis.

Additional amendments have been made to the provisions of the Articles relating to conflicts of interest (and potential conflicts of interest) of directors to ensure that there is a clear procedure in place to deal with any such conflicts of interest (and potential conflicts of interest), consistent with the provisions of the UK Companies Act 2006. In article 52, the prohibition on a director participating in or voting on a decision in which he or she has an interest is modified (i) to eliminate a restriction that the interest be material and (ii) to provide additional exceptions where ICE Clear Europe by ordinary resolution of the shareholder disapplies the provision of the Articles that would prevent the director from participating in that decision or where the director's interest cannot reasonably be regarded as likely to give rise to a conflict of interest. A reference to the UK Companies Act 2006 is also corrected, and an unnecessary reference to that act is removed.

The amendments also adopt a new article 53, which addresses certain conflicts of interests and potential conflicts of interest of directors that do not arise in relation to a transaction or agreement with ICE Clear Europe (without limiting the obligations of directors under applicable provisions of the UK Companies Act 2006). In the case of such a conflict that arises from the appointment or proposed appointment of a person as a director, the uninterested directors or the shareholder may nonetheless authorize the appointment of the director, and address the relevant situation, on such terms as they determine. In the case of other conflicts, the uninterested directors or the shareholder may choose to permit the relevant situation and the continued performance by the interested director of his or her duties, on such terms as they determine. The interested directors will not be counted in the

[3] References herein to the numbering of particular articles will be to the articles as amended.

[4] Financial Reporting Council Limited, *UK Corporate Governance Code* (April 2016). The code sets out a code of conduct and best practices for governance matters for UK companies. Among other matters, the code states that the board should appoint one of the independent non-executive directors as a senior independent director ''to provide a sounding board for the chairman and to serve as an intermediary for the other directors when necessary.'' The senior independent director should lead meetings of the non-executive directors, at least annually, to evaluate the performance of the Board chairman.

quorum for, and will not be allowed to vote on, any decision of the directors on such matters. The uninterested directors may act on such matters even if there are insufficient directors to meet the normal quorum and voting requirements. The resolution adopted by the uninterested directors or the shareholder may, for example, permit the interested directors to vote, exclude the interested directors from all information and discussion about the relevant situation, and/or impose additional duties of confidentiality on the interested directors. The authorization of an interested director situation can be withdrawn or modified at any time. The article also contains requirements on directors to provide notice of potential conflicts and specifies certain other procedures and documentation requirements.

In article 55, clarifications are made that a director may not retrospectively waive notice of a meeting more than seven days after the meeting is held. The revised article also clarifies that the chair will not have a second or casting vote (in the case of an equally divided vote) if the chair is not otherwise to be counted for quorum or voting purposes (such as because of a conflict of interest). In revised article 60, the requirements for action by written resolution of directors have been clarified to provide that all directors entitled to vote on the matter (rather than all directors entitled to receive notice of a board meeting) must consent to the action.

The recordkeeping requirements in article 63 have been revised to provide that the company must keep a written record of all unanimous or majority decisions of the directors for at least 10 years. Article 69 has been revised to refer to a special rather than extraordinary resolution.

Certain other non-substantive corrections and clarifications have been made in the Articles. For example, various references to persons throughout the Articles have been revised to be gender-neutral. Various articles have also been renumbered in light of the changes discussed above, and related cross-references have been updated.

2. Statutory Basis

ICE Clear Europe believes that the changes described herein are consistent with the requirements of Section 17A of the Act [5] and the regulations thereunder applicable to it, and in particular are consistent with the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts and transactions, the safeguarding of securities and funds in the custody or control of ICE Clear Europe or for which it is responsible and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[6] As discussed above, the changes are intended to clarify and update certain aspects of ICE Clear Europe's Articles, particularly around the committee structure, retirement and rotation of independent directors and conflicts of interest of directors. In ICE Clear Europe's view, these amendments will enhance the clearing house's overall governance framework, and thus facilitate the efficient operation of the clearing house and the prompt and accurate clearance and settlement of transactions and the public interest, within the meaning of the Act. For these reasons, the amendments will also promote governance arrangements that are clear and transparent to fulfill the public interests requirements in Section 17A of the Act applicable to clearing agencies, support the objectives of owners and participants and promote the effectiveness of the clearing agency's risk management procedures, within the meaning of Rule 17Ad–22(d)(8). Furthermore, the amendments will support governance arrangements that fulfill the requirements of Rule 17Ad–22(e)(2), including that the directors have appropriate experience and skills to discharge their duties and responsibilities, and that the governance arrangements specify clear and direct lines of responsibility.

(B) Clearing Agency's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed changes to the rules would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purpose of the Act. The amendments relate to ICE Clear Europe's internal governance structure relating to the board of directors and similar matters. ICE Clear Europe does not believe that these changes will impose any additional costs on Clearing Members or other market participants. ICE Clear Europe further does not believe that the amendments will adversely affect access to clearing by Clearing Members or their customers or otherwise adversely affect Clearing Members or market participants or the market for clearing services generally.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed changes to the rules have not been solicited or received. ICE Clear Europe will notify the Commission of any written comments received by ICE Clear Europe.

III. Date of Effectiveness of the Proposed Rule Change, Security-Based Swap Submission and Advance Notice and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, security-based swap submission or advance notice is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*) or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ICEEU–2017–007 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–ICEEU–2017–007. 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

[5] 15 U.S.C. 78q–1.

[6] 15 U.S.C. 78q–1(b)(3)(F).

amendments, all written statements with respect to the proposed rule change, security-based swap submission or advance notice that are filed with the Commission, and all written communications relating to the proposed rule change, security-based swap submission or advance notice between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's Web site at *https://www.theice.com/clear-europe/regulation#rule-filings.*

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–ICEEU–2017–007 and should be submitted on or before June 9, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–10129 Filed 5–18–17; 8:45 am]

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[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80676; File No. SR–PEARL–2017–20]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule

May 15, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 1, 2017, MIAX PEARL, LLC (''MIAX PEARL'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX PEARL Fee Schedule (the ''Fee Schedule'') to adopt a fee schedule to establish the fees for Industry Members related to the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan'').[3]

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/rule-filings/pearl,* at MIAX's principal office, 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

Bats BYX Exchange, Inc., Bats BZX Exchange, Inc., Bats EDGA Exchange, Inc., Bats EDGX Exchange, Inc., BOX Options Exchange LLC, C2 Options Exchange, Incorporated, Chicago Board Options Exchange, Incorporated, Chicago Stock Exchange, Inc., Financial Industry Regulatory Authority, Inc. (''FINRA''), Investors' Exchange LLC, Miami International Securities Exchange, LLC, MIAX PEARL, LLC, NASDAQ BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC,[4] NASDAQ PHLX LLC, The NASDAQ Stock Market LLC, New York Stock Exchange LLC, NYSE MKT LLC, NYSE Arca, Inc. and NYSE National, Inc.[5] (collectively, the ''Participants'') filed with the Commission, pursuant to Section 11A of the Exchange Act[6] and Rule 608 of Regulation NMS thereunder,[7] the CAT NMS Plan.[8] The Participants filed the Plan to comply with Rule 613 of Regulation NMS under the Exchange Act. The Plan was published for comment in the **Federal Register** on May 17, 2016,[9] and approved by the Commission, as modified, on November 15, 2016.[10] The Plan is designed to create, implement and maintain a consolidated audit trail (''CAT'') that would capture customer and order event information for orders in NMS Securities and OTC Equity Securities, across all markets, from the time of order inception through routing, cancellation, modification, or execution in a single consolidated data source. The Plan accomplishes this by creating CAT NMS, LLC (the ''Company''), of which each Participant is a member, to operate the CAT.[11] Under the CAT NMS Plan, the Operating Committee of the Company (''Operating Committee'') has discretion to establish funding for the Company to operate the CAT, including establishing fees that the Participants will pay, and establishing fees for Industry Members that will be implemented by the Participants (''CAT Fees'').[12] The Participants are required to file with the SEC under Section 19(b) of the Exchange Act any such CAT Fees applicable to Industry Members that the Operating Committee approves.[13] Accordingly, the Exchange submits this fee filing to propose the Consolidated Audit Trail Funding Fees, which will require Industry Members that are

[3] Unless otherwise specified, capitalized terms used in this fee filing are defined as set forth herein, the CAT Compliance Rule Series or in the CAT NMS Plan.

[4] ISE Gemini, LLC, ISE Mercury, LLC and International Securities Exchange, LLC have been renamed Nasdaq GEMX, LLC, Nasdaq MRX, LLC, and Nasdaq ISE, LLC, respectively. *See* Securities Exchange Act Rel. No. 80248 (Mar. 15, 2017), 82 FR 14547 (Mar. 21, 2017); Securities Exchange Act Rel. No. 80326 (Mar. 29, 2017), 82 FR 16460 (Apr. 4, 2017); and Securities Exchange Act Rel. No. 80325 (Mar. 29, 2017), 82 FR 16445 (Apr. 4, 2017).

[5] National Stock Exchange, Inc. has been renamed NYSE National, Inc. *See* Securities Exchange Act Rel. No. 79902 (Jan. 30, 2017), 82 FR 9258 (Feb. 3, 2017).

[6] 15 U.S.C. 78k–1.

[7] 17 CFR 242.608.

[8] *See* Letter from the Participants to Brent J. Fields, Secretary, Commission, dated September 30, 2014; and Letter from Participants to Brent J. Fields, Secretary, Commission, dated February 27, 2015. On December 24, 2015, the Participants submitted an amendment to the CAT NMS Plan. *See* Letter from Participants to Brent J. Fields, Secretary, Commission, dated December 23, 2015.

[9] Securities Exchange Act Rel. No. 77724 (Apr. 27, 2016), 81 FR 30614 (May 17, 2016).

[10] Securities Exchange Act Rel. No. 79318 (Nov. 15, 2016), 81 FR 84696 (Nov. 23, 2016) (''Approval Order'').

[11] The Plan also serves as the limited liability company agreement for the Company.

[12] Section 11.1(b) of the CAT NMS Plan.

[13] *Id.*

Exchange members to pay the CAT Fees determined by the Operating Committee.

(1) Executive Summary

The following provides an executive summary of the CAT funding model approved by the Operating Committee, as well as Industry Members' rights and obligations related to the payment of CAT Fees calculated pursuant to the CAT funding model. A detailed description of the CAT funding model and the CAT Fees follows this executive summary.

(A) CAT Funding Model

• *CAT Costs.* The CAT funding model is designed to establish CAT-specific fees to collectively recover the costs of building and operating the CAT from all CAT Reporters, including Industry Members and Participants. The overall CAT costs for the calculation of the CAT Fees in this fee filing are comprised of Plan Processor CAT costs and non-Plan Processor CAT costs incurred, and estimated to be incurred, from November 21, 2016 through November 21, 2017. (*See* Section 3(a)(2)(E) [sic] below) [14]

• *Bifurcated Funding Model.* The CAT NMS Plan requires a bifurcated funding model, where costs associated with building and operating the CAT would be borne by (1) Participants and Industry Members that are Execution Venues for Eligible Securities through fixed tier fees based on market share, and (2) Industry Members (other than alternative trading systems (''ATSs'') that execute transactions in Eligible Securities (''Execution Venue ATSs'')) through fixed tier fees based on message traffic for Eligible Securities. (*See* Section 3(a)(2) [sic] below)

• *Industry Member Fees.* Each Industry Member (other than Execution Venue ATSs) will be placed into one of nine tiers of fixed fees, based on ''message traffic'' in Eligible Securities for a defined period (as discussed below). Prior to the start of CAT reporting, ''message traffic'' will be comprised of historical equity and equity options orders, cancels and quotes provided by each exchange and FINRA over the previous three months. After an Industry Member begins reporting to the CAT, ''message traffic'' will be calculated based on the Industry Member's Reportable Events reported to the CAT. Industry Members with lower levels of message traffic will pay a lower fee and Industry Members with higher levels of message traffic will pay a higher fee. (*See* Section 3(a)(2)(B) [sic] below)

• *Execution Venue Fees.* Each Equity Execution Venue will be placed in one of two tiers of fixed fees based on market share, and each Options Execution Venue will be placed in one of two tiers of fixed fees based on market share. Equity Execution Venue market share will be determined by calculating each Equity Execution Venue's proportion of the total volume of NMS Stock and OTC Equity shares reported by all Equity Execution Venues during the relevant time period. Similarly, market share for Options Execution Venues will be determined by calculating each Options Execution Venue's proportion of the total volume of Listed Options contracts reported by all Options Execution Venues during the relevant time period. Equity Execution Venues with a larger market share will pay a larger CAT Fee than Equity Execution Venues with a smaller market share. Similarly, Options Execution Venues with a larger market share will pay a larger CAT Fee than Options Execution Venues with a smaller market share. (*See* Section 3(a)(2)(C) [sic] below)

• *Cost Allocation.* For the reasons discussed below, in designing the model, the Operating Committee determined that 75 percent of total costs recovered would be allocated to Industry Members (other than Execution Venue ATSs) and 25 percent would be allocated to Execution Venues. In addition, the Operating Committee determined to allocate 75 percent of Execution Venue costs recovered to Equity Execution Venues and 25 percent to Options Execution Venues. (*See* Section 3(a)(2)(D) [sic] below)

• *Comparability of Fees.* The CAT funding model requires that the CAT Fees charged to the CAT Reporters with the most CAT-related activity (measured by market share and/or message traffic, as applicable) are generally comparable (where, for these comparability purposes, the tiered fee structure takes into consideration affiliations between or among CAT Reporters, whether Execution Venues and/or Industry Members). (*See* Section 3(a)(2)(F) [sic] below)

(B) CAT Fees for Industry Members

• *Fee Schedule.* The quarterly CAT Fees for each tier for Industry Members are set forth in the two fee schedules in the Consolidated Audit Trail Funding Fees, one for Equity ATSs and one for Industry Members other than Equity ATSs. (*See* Section 3(a)(3)(B) [sic] below)

• *Quarterly Invoices.* Industry Members will be billed quarterly for CAT Fees, with the invoices payable within 30 days. The quarterly invoices will identify within which tier the Industry Member falls. (*See* Section 3(a)(3)(C) [sic] below)

• *Centralized Payment.* Each Industry Member will receive from the Company one invoice for its applicable CAT Fees, not separate invoices from each Participant of which it is a member. The Industry Members will pay its CAT Fees to the Company via the centralized system for the collection of CAT Fees established by the Operating Committee. (*See* Section 3(a)(3)(C) [sic] below)

• *Billing Commencement.* Industry Members will begin to receive invoices for CAT Fees as promptly as possible following the establishment of a billing mechanism. The Exchange will issue a Regulatory Circular to its members when the billing mechanism is established, specifying the date when such invoicing of Industry Members will commence. (*See* Section 3(a)(2)(G) [sic] below)

(2) Description of the CAT Funding Model

Article XI of the CAT NMS Plan requires the Operating Committee to approve the operating budget, including projected costs of developing and operating the CAT for the upcoming year. As set forth in Article XI of the CAT NMS Plan, the CAT NMS Plan requires a bifurcated funding model, where costs associated with building and operating the Central Repository would be borne by (1) Participants and Industry Members that are Execution Venues through fixed tier fees based on market share, and (2) Industry Members (other than Execution Venue ATSs) through fixed tier fees based on message traffic. In its order approving the CAT NMS Plan, the Commission determined that the proposed funding model was ''reasonable'' [15] and ''reflects a reasonable exercise of the Participants' funding authority to recover the Participants' costs related to the CAT.'' [16]

More specifically, the Commission stated in approving the CAT NMS Plan that ''[t]he Commission believes that the proposed funding model is reasonably designed to allocate the costs of the CAT between the Participants and Industry Members.'' [17] The Commission further noted the following:

The Commission believes that the proposed funding model reflects a

[14] The Commission notes that references to Sections 3(a)(2) and 3(a)(3) in this Executive Summary should be instead to Sections II.A.1.(2) and II.A.1.(3), respectively.

[15] Approval Order at 84796.

[16] *Id.* at 84794.

[17] *Id.* at 84795.

reasonable exercise of the Participants' funding authority to recover the Participants' costs related to the CAT. The CAT is a regulatory facility jointly owned by the Participants and . . . the Exchange Act specifically permits the Participants to charge their members fees to fund their self-regulatory obligations. The Commission further believes that the proposed funding model is designed to impose fees reasonably related to the Participants' self-regulatory obligations because the fees would be directly associated with the costs of establishing and maintaining the CAT, and not unrelated SRO services.[18]

Accordingly, the funding model imposes fees on both Participants and Industry Members.

In addition, as discussed in Appendix C of the CAT NMS Plan, the Operating Committee considered the advantages and disadvantages of a variety of alternative funding and cost allocation models before selecting the proposed model.[19] After analyzing the various alternatives, the Operating Committee determined that the proposed tiered, fixed fee funding model provides a variety of advantages in comparison to the alternatives. First, the fixed fee model, as opposed to a variable fee model, provides transparency, ease of calculation, ease of billing and other administrative functions, and predictability of a fixed fee. Such factors are crucial to estimating a reliable revenue stream for the Company and for permitting CAT Reporters to reasonably predict their payment obligations for budgeting purposes.[20] Additionally, a strictly variable or metered funding model based on message volume would be far more likely to affect market behavior and place an inappropriate burden on competition. Moreover, as the SEC noted in approving the CAT NMS Plan, ''[t]he Participants also have offered a reasonable basis for establishing a funding model based on broad tiers, in that it be may be easier to implement.'' [21]

In addition, multiple reviews of current broker-dealer order and trading data submitted under existing reporting requirements showed a wide range in activity among broker-dealers, with a number of broker-dealers submitting fewer than 1,000 orders per month and other broker-dealers submitting millions and even billions of orders in the same period. Accordingly, the CAT NMS Plan includes a tiered approach to fees. The tiered approach helps ensure that fees are equitably allocated among similarly situated CAT Reporters and furthers the goal of lessening the impact on smaller firms.[22] The self-regulatory organizations considered several approaches to developing a tiered model, including defining fee tiers based on such factors as size of firm, message traffic or trading dollar volume. After analyzing the alternatives, it was concluded that the tiering should be based on the relative impact of CAT Reporters on the CAT System.

Accordingly, the CAT NMS Plan contemplates that costs will be allocated across the CAT Reporters on a tiered basis to allocate costs to those CAT Reporters that contribute more to the costs of creating, implementing and maintaining the CAT.[23] The fees to be assessed at each tier are calculated so as to recoup a proportion of costs appropriate to the message traffic or market share (as applicable) from CAT Reporters in each tier. Therefore, Industry Members generating the most message traffic will be in the higher tiers, and therefore be charged a higher fee. Industry Members with lower levels of message traffic will be in lower tiers and will be assessed a smaller fee for the CAT.[24] Correspondingly, Execution Venues with the highest market share will be in the top tier, and therefore will be charged a higher fee. Execution Venues with a lower market share will be in the lower tier and will be assessed a smaller fee for the CAT.[25]

The Commission also noted in approving the CAT NMS Plan that ''[t]he Participants have offered a credible justification for using different criteria to charge Execution Venues (market share) and Industry Members (message traffic)'' [26] in the CAT funding model. While there are multiple factors that contribute to the cost of building, maintaining and using the CAT, processing and storage of incoming message traffic is one of the most significant cost drivers for the CAT.[27] Thus, the CAT NMS Plan provides that the fees payable by Industry Members (other than Execution Venue ATSs) will be based on the message traffic generated by such Industry Member.[28]

The CAT NMS Plan provides that the Operating Committee will use different criteria to establish fees for Execution Venues and non-Execution Venues due to the fundamental differences between the two types of entities. In particular, the CAT NMS Plan provides that fees charged to CAT Reporters that are Execution Venues will be based on the level of market share and that costs charged to Industry Members (other than Execution Venue ATSs) will be based upon message traffic.[29] Because most Participant message traffic consists of quotations, and Participants usually disseminate quotations in all instruments they trade, regardless of execution volume, Execution Venues that are Participants generally disseminate similar amounts of message traffic. Accordingly, basing fees for Execution Venues on message traffic would not provide the same degree of differentiation among Execution Venues that it does among Industry Members (other than Execution Venue ATSs). In contrast, execution volume more accurately delineates the different levels of trading activity of Execution Venues.[30]

The CAT NMS Plan's funding model also is structured to avoid a ''reduction in market quality.'' [31] The tiered, fixed fee funding model is designed to limit the disincentives to providing liquidity to the market. For example, the Participants expect that a firm that had a large volume of quotes would likely be categorized in one of the upper tiers, and would not be assessed a fee for this traffic directly as they would under a more directly metered model. In contrast, strictly variable or metered funding models based on message volume were far more likely to affect market behavior. In approving the CAT NMS Plan, the SEC stated that ''[t]he Participants also offered a reasonable basis for establishing a funding model based on broad tiers, in that it may be . . . less likely to have an incremental deterrent effect on liquidity provision.'' [32]

The CAT NMS Plan is structured to avoid potential conflicts raised by the Operating Committee determining fees applicable to its own members—the

[18] *Id.* at 84794.

[19] Section B.7, Appendix C of the CAT NMS Plan, Approval Order at 85006.

[20] In choosing a tiered fee structure, the Participants concluded that the variety of benefits offered by a tiered fee structure, discussed above, outweighed the fact that Industry Members in any particular tier would pay different rates per message traffic order event (*e.g.,* an Industry Member with the largest amount of message traffic in one tier would pay a smaller amount per order event than an Industry Member in the same tier with the least amount of message traffic). Such variation is the natural result of a tiered fee structure.

[21] Approval Order at 84796.

[22] Section B.7, Appendix C of the CAT NMS Plan, Approval Order at 85006.

[23] Approval Order at 85005.

[24] *Id.*

[25] *Id.*

[26] *Id.* at 84796.

[27] Section B.7, Appendix C of the CAT NMS Plan, Approval Order at 85005.

[28] Section 11.3(b) of the CAT NMS Plan.

[29] Section 11.2(c) of the CAT NMS Plan.

[30] Section B.7, Appendix C of the CAT NMS Plan, Approval Order at 85005.

[31] Section 11.2(e) of the CAT NMS Plan.

[32] Approval Order at 84796.

Participants. First, the Company will be operated on a ''break-even'' basis, with fees imposed to cover costs and an appropriate reserve. Any surpluses will be treated as an operational reserve to offset future fees and will not be distributed to the Participants as profits.[33] To ensure that the Participants' operation of the CAT will not contribute to the funding of their other operations, Section 11.1(c) of the CAT NMS Plan specifically states that ''[a]ny surplus of the Company's revenues over its expenses shall be treated as an operational reserve to offset future fees.'' In addition, as set forth in Article VIII of the CAT NMS Plan, the Company ''intends to operate in a manner such that it qualifies as a 'business league' within the meaning of Section 501(c)(6) of the [Internal Revenue] Code.'' To qualify as a business league, an organization must ''not [be] organized for profit and no part of the net earnings of [the organization can] inure[ ] to the benefit of any private shareholder or individual.'' [34] As the SEC stated when approving the CAT NMS Plan, ''the Commission believes that the Company's application for Section 501(c)(6) business league status addresses issues raised by commenters about the Plan's proposed allocation of profit and loss by mitigating concerns that the Company's earnings could be used to benefit individual Participants.'' [35]

Finally, by adopting a CAT-specific fee, the Participants will be fully transparent regarding the costs of the CAT. Charging a general regulatory fee, which would be used to cover CAT costs as well as other regulatory costs, would be less transparent than the selected approach of charging a fee designated to cover CAT costs only.

A full description of the funding model is set forth below. This description includes the framework for the funding model as set forth in the CAT NMS Plan, as well as the details as to how the funding model will be applied in practice, including the number of fee tiers and the applicable fees for each tier. The Exchange notes that the complete funding model is described below, including those fees that are to be paid by the Participants. The proposed Consolidated Audit Trail Funding Fees, however, do not apply to the Participants; the proposed Consolidated Audit Trail Funding Fees only apply to Industry Members. The CAT fees for Participants will be imposed separately by the Operating Committee pursuant to the CAT NMS Plan.

(A) Funding Principles

Section 11.2 of the CAT NMS Plan sets forth the principles that the Operating Committee applied in establishing the funding for the Company. The Operating Committee has considered these funding principles as well as the other funding requirements set forth in the CAT NMS Plan and in Rule 613 in developing the proposed funding model. The following are the funding principles in Section 11.2 of the CAT NMS Plan:

- To create transparent, predictable revenue streams for the Company that are aligned with the anticipated costs to build, operate and administer the CAT and other costs of the Company;
- To establish an allocation of the Company's related costs among Participants and Industry Members that is consistent with the Exchange Act, taking into account the timeline for implementation of the CAT and distinctions in the securities trading operations of Participants and Industry Members and their relative impact upon the Company's resources and operations;
- To establish a tiered fee structure in which the fees charged to: (i) CAT Reporters that are Execution Venues, including ATSs, are based upon the level of market share; (ii) Industry Members' non-ATS activities are based upon message traffic; (iii) the CAT Reporters with the most CAT-related activity (measured by market share and/or message traffic, as applicable) are generally comparable (where, for these comparability purposes, the tiered fee structure takes into consideration affiliations between or among CAT Reporters, whether Execution Venue and/or Industry Members);
- To provide for ease of billing and other administrative functions;
- To avoid any disincentives such as placing an inappropriate burden on competition and a reduction in market quality; and
- To build financial stability to support the Company as a going concern.

(B) Industry Member Tiering

Under Section 11.3(b) of the CAT NMS Plan, the Operating Committee is required to establish fixed fees to be payable by Industry Members, based on message traffic generated by such Industry Member, with the Operating Committee establishing at least five and no more than nine tiers.

The CAT NMS Plan clarifies that the fixed fees payable by Industry Members pursuant to Section 11.3(b) shall, in addition to any other applicable message traffic, include message traffic generated by: (i) An ATS that does not execute orders that is sponsored by such Industry Member; and (ii) routing orders to and from any ATS sponsored by such Industry Member. In addition, the Industry Member fees will apply to Industry Members that act as routing broker-dealers for exchanges. The Industry Member fees will not be applicable, however, to an ATS that qualifies as an Execution Venue, as discussed in more detail in the section on Execution Venue tiering.

In accordance with Section 11.3(b), the Operating Committee approved a tiered fee structure for Industry Members (other than Execution Venue ATSs) as described in this section. In determining the tiers, the Operating Committee considered the funding principles set forth in Section 11.2 of the CAT NMS Plan, seeking to create funding tiers that take into account the relative impact on CAT System resources of different Industry Members, and that establish comparable fees among the CAT Reporters with the most Reportable Events. The Operating Committee has determined that establishing nine tiers results in the fairest allocation of fees, best distinguishing between Industry Members with differing levels of message traffic. Thus, each such Industry Member will be placed into one of nine tiers of fixed fees, based on ''message traffic'' for a defined period (as discussed below). A nine tier structure was selected to provide the widest range of levels for tiering Industry Members such that Industry Members submitting significantly less message traffic to the CAT would be adequately differentiated from Industry Members submitting substantially more message traffic. The Operating Committee considered historical message traffic generated by Industry Members across all exchanges and as submitted to FINRA's Order Audit Trail System (''OATS''), and considered the distribution of firms with similar levels of message traffic, grouping together firms with similar levels of message traffic. Based on this, the Operating Committee determined that nine tiers would best group firms with similar levels of message traffic, charging those firms with higher impact on the CAT more, while lowering the burden of Industry Members that have less CAT-related activity.

Each Industry Member (other than Execution Venue ATSs) will be ranked

[33] *Id.* at 84792.

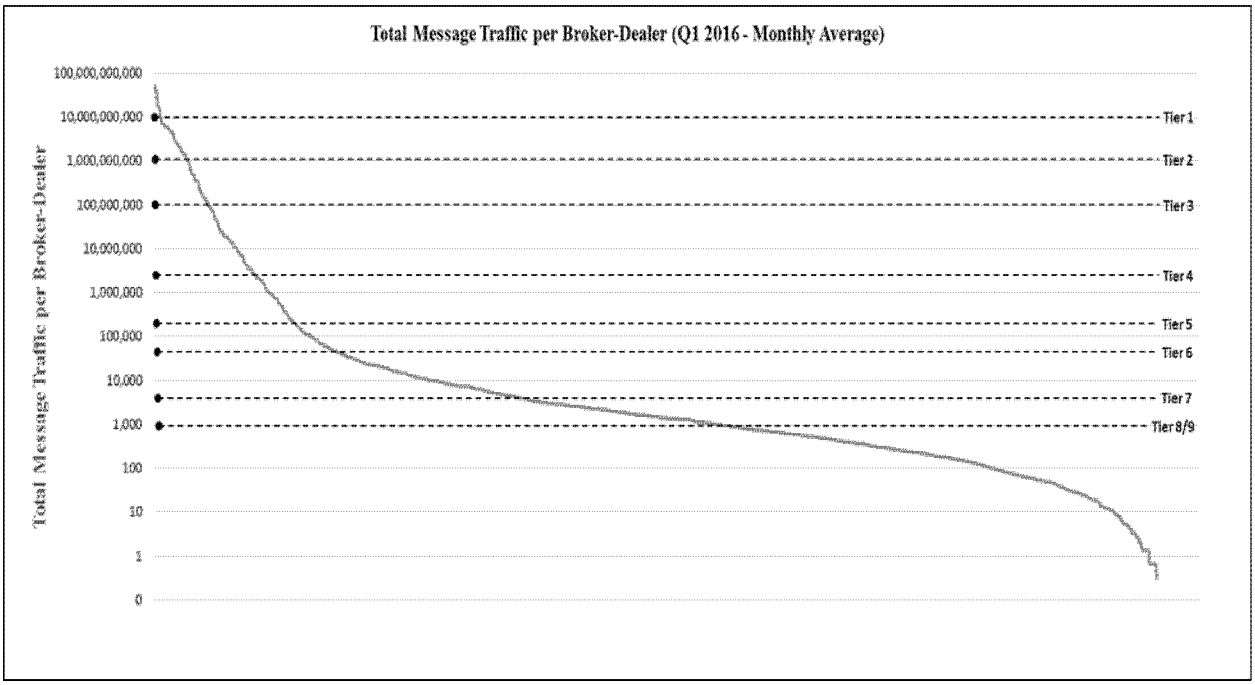
[34] 26 U.S.C. 501(c)(6).

[35] Approval Order at 84793.

by message traffic and tiered by predefined Industry Member percentages (the ''Industry Member Percentages''). The Operating Committee determined to use predefined percentages rather than fixed volume thresholds to allow the funding model to ensure that the total CAT fees collected recover the intended CAT costs regardless of changes in the total level of message traffic. To determine the fixed percentage of Industry Members in each tier, the Operating Committee analyzed historical message traffic generated by Industry Members across all exchanges and as submitted to OATS, and considered the distribution of firms with similar levels of message traffic, grouping together firms with similar levels of message traffic. Based on this, the Operating Committee identified tiers that would group firms with similar levels of message traffic, charging those firms with higher impact on the CAT more, while lowering the burden on Industry Members that have less CAT-related activity.

The percentage of costs recovered by each Industry Member tier will be determined by predefined percentage allocations (the ''Industry Member Recovery Allocation''). In determining the fixed percentage allocation of costs recovered for each tier, the Operating Committee considered the impact of CAT Reporter message traffic on the CAT System as well as the distribution of total message volume across Industry Members while seeking to maintain comparable fees among the largest CAT Reporters. Accordingly, following the determination of the percentage of Industry Members in each tier, the Operating Committee identified the percentage of total market volume for each tier based on the historical message traffic upon which Industry Members had been initially ranked. Taking this into account along with the resulting percentage of total recovery, the percentage allocation of costs recovered for each tier were assigned, allocating higher percentages of recovery to tiers with higher levels of message traffic while avoiding any inappropriate burden on competition. Furthermore, by using percentages of Industry Members and costs recovered per tier, the Operating Committee sought to include stability and elasticity within the funding model, allowing the funding model to respond to changes in either the total number of Industry Members or the total level of message traffic.

The following chart illustrates the breakdown of nine Industry Member tiers across the monthly average of total equity and equity options orders, cancels and quotes in Q1 2016 and identifies relative gaps across varying levels of Industry Member message traffic as well as message traffic thresholds between the largest of Industry Member message traffic gaps. The Operating Committee referenced similar distribution illustrations to determine the appropriate division of Industry Member percentages in each tier by considering the grouping of firms with similar levels of message traffic and seeking to identify relative breakpoints in the message traffic between such groupings. In reviewing the chart and its corresponding table, note that while these distribution illustrations were referenced to help differentiate between Industry Member tiers, the proposed funding model is directly driven, not by fixed message traffic thresholds, but rather by fixed percentages of Industry Members across tiers to account for fluctuating levels of message traffic across time and to provide for the financial stability of the CAT by ensuring that the funding model will recover the required amounts regardless of changes in the number of Industry Members or the amount of message traffic. Actual messages in any tier will vary based on the actual traffic in a given measurement period, as well as the number of firms included in the measurement period. The Industry Member Percentages and Industry Member Recovery Allocation for each tier will remain fixed with each Industry Member's tier to be reassigned periodically, as described below in Section 3(a)(1)(H) [sic].



Industry member tier	Monthly average message traffic per industry member (orders, quotes and cancels)
Tier 1	>10,000,000,000
Tier 2	>1,000,000,000
Tier 3	>100,000,000
Tier 4	>2,500,000
Tier 5	>200,000
Tier 6	>50,000
Tier 7	>5,000
Tier 8	>1,000
Tier 9	≤1,000

Based on the above analysis, the Operating Committee approved the following Industry Member Percentages and Recovery Allocations:

Industry member tier	Percentage of industry members	Percentage of industry member recovery	Percentage of total recovery
Tier 1	0.500	8.50	6.38
Tier 2	2.500	35.00	26.25
Tier 3	2.125	21.25	15.94
Tier 4	4.625	15.75	11.81
Tier 5	3.625	7.75	5.81
Tier 6	4.000	5.25	3.94
Tier 7	17.500	4.50	3.38
Tier 8	20.125	1.50	1.13
Tier 9	45.000	0.50	0.38
Total	100	100	75

For the purposes of creating these tiers based on message traffic, the Operating Committee determined to define the term ''message traffic'' separately for the period before the commencement of CAT reporting and for the period after the start of CAT reporting. The different definition for message traffic is necessary as there will be no Reportable Events as defined in the Plan, prior to the commencement of CAT reporting. Accordingly, prior to the start of CAT reporting, ''message traffic'' will be comprised of historical equity and equity options orders, cancels and quotes provided by each exchange and FINRA over the previous three months.[36] Prior to the start of CAT reporting, orders would be comprised of the total number of equity and equity options orders received and originated by a member of an exchange or FINRA over the previous three-month period, including principal orders, cancel/replace orders, market maker orders originated by a member of an exchange, and reserve (iceberg) orders as well as order routes and executions originated by a member of FINRA, and excluding order rejects and implied orders.[37] In addition, prior to the start of CAT reporting, cancels would be comprised of the total number of equity and equity option cancels received and originated by a member of an exchange or FINRA over a three-month period, excluding order modifications (*e.g.,* order updates, order splits, partial cancels). Furthermore, prior to the start of CAT reporting, quotes would be comprised of information readily available to the exchanges and FINRA, such as the total number of historical equity and equity options quotes received and originated by a member of an exchange or FINRA over the prior three-month period.

After an Industry Member begins reporting to the CAT, ''message traffic'' will be calculated based on the Industry Member's Reportable Events reported to the CAT as will be defined in the Technical Specifications.[38]

The Operating Committee has determined to calculate fee tiers every three months, on a calendar quarter basis, based on message traffic from the prior three months. Based on its analysis of historical data, the Operating Committee believes that calculating tiers based on three months of data will provide the best balance between reflecting changes in activity by Industry Members while still providing predictability in the tiering for Industry Members. Because fee tiers will be calculated based on message traffic from the prior three months, the Operating Committee will begin calculating message traffic based on an Industry Member's Reportable Events reported to the CAT once the Industry Member has been reporting to the CAT for three months. Prior to that, fee tiers will be calculated as discussed above with regard to the period prior to CAT reporting.

(C) Execution Venue Tiering

Under Section 11.3(a) of the CAT NMS Plan, the Operating Committee is

[36] The SEC approved exemptive relief permitting Options Market Maker quotes to be reported to the Central Repository by the relevant Options Exchange in lieu of requiring that such reporting be done by both the Options Exchange and the Options Market Maker, as required by Rule 613 of Regulation NMS. *See* Securities Exchange Act Release No. 77265 (Mar. 1, 2017 [sic], 81 FR 11856 (Mar. 7, 2016). This exemption applies to Options Market Maker quotes for CAT reporting purposes only. Therefore, notwithstanding the reporting exemption provided for Options Market Maker quotes, Options Market Maker quotes will be included in the calculation of total message traffic for Options Market Makers for purposes of tiering under the CAT funding model both prior to CAT reporting and once CAT reporting commences

[37] Consequently, firms that do not have ''message traffic'' reported to an exchange or OATS before they are reporting to the CAT would not be subject to a fee until they begin to report information to CAT.

[38] If an Industry Member (other than an Execution Venue ATS) has no orders, cancels or quotes prior to the commencement of CAT Reporting, or no Reportable Events after CAT reporting commences, then the Industry Member would not have a CAT fee obligation.

required to establish fixed fees payable by Execution Venues. Section 1.1 of the CAT NMS Plan defines an Execution Venue as ''a Participant or an alternative trading system (''ATS'') (as defined in Rule 300 of Regulation ATS) that operates pursuant to Rule 301 of Regulation ATS (excluding any such ATS that does not execute orders).'' [39]

The Participants determined that ATSs should be included within the definition of Execution Venue. Given the similarity between the activity of exchanges and ATSs, both of which meet the definition of an ''exchange'' as set forth in the Exchange Act and the fact that the similar trading models would have similar anticipated burdens on the CAT, the Participants determined that ATSs should be treated in the same manner as the exchanges for the purposes of determining the level of fees associated with the CAT.[40]

Given the differences between Execution Venues that trade NMS Stocks and/or OTC Equity Securities and Execution Venues that trade Listed Options, Section 11.3(a) addresses Execution Venues that trade NMS Stocks and/or OTC Equity Securities separately from Execution Venues that trade Listed Options. Equity and Options Execution Venues are treated separately for two reasons. First, the differing quoting behavior of Equity and Options Execution Venues makes comparison of activity between Execution Venues difficult. Second, Execution Venue tiers are calculated based on market share of share volume, and it is therefore difficult to compare market share between asset classes (*i.e.,* equity shares versus options contracts). Discussed below is how the funding model treats the two types of Execution Venues.

(I) NMS Stocks and OTC Equity Securities

Section 11.3(a)(i) of the CAT NMS Plan states that each Execution Venue that (i) executes transactions or, (ii) in the case of a national securities association, has trades reported by its members to its trade reporting facility or facilities for reporting transactions effected otherwise than on an exchange, in NMS Stocks or OTC Equity Securities will pay a fixed fee depending on the market share of that Execution Venue in NMS Stocks and OTC Equity Securities, with the Operating Committee establishing at least two and not more than five tiers of fixed fees, based on an Execution Venue's NMS Stocks and OTC Equity Securities market share. For these purposes, market share for Execution Venues that execute transactions will be calculated by share volume, and market share for a national securities association that has trades reported by its members to its trade reporting facility or facilities for reporting transactions effected otherwise than on an exchange in NMS Stocks or OTC Equity Securities will be calculated based on share volume of trades reported, provided, however, that the share volume reported to such national securities association by an Execution Venue shall not be included in the calculation of such national security association's market share.

In accordance with Section 11.3(a)(i) of the CAT NMS Plan, the Operating Committee approved a tiered fee structure for Equity Execution Venues and Option Execution Venues. In determining the Equity Execution Venue Tiers, the Operating Committee considered the funding principles set forth in Section 11.2 of the CAT NMS Plan, seeking to create funding tiers that take into account the relative impact on system resources of different Equity Execution Venues, and that establish comparable fees among the CAT Reporters with the most Reportable Events. Each Equity Execution Venue will be placed into one of two tiers of fixed fees, based on the Execution Venue's NMS Stocks and OTC Equity Securities market share. In choosing two tiers, the Operating Committee performed an analysis similar to that discussed above with regard to the non-Execution Venue Industry Members to determine the number of tiers for Equity Execution Venues. The Operating Committee determined to establish two tiers for Equity Execution Venues, rather than a larger number of tiers as established for non-Execution Venue Industry Members, because the two tiers were sufficient to distinguish between the smaller number of Equity Execution Venues based on market share. Furthermore, the incorporation of additional Equity Execution Venue tiers would result in significantly higher fees for Tier 1 Equity Execution Venues and diminish comparability between Execution Venues and Industry Members.

Each Equity Execution Venue will be ranked by market share and tiered by predefined Execution Venue percentages, (the ''Equity Execution Venue Percentages''). In determining the fixed percentage of Equity Execution Venues in each tier, the Operating Committee looked at historical market share of share volume for execution venues. Equities Execution Venue market share of share volume were sourced from market statistics made publicly-available by Bats Global Markets, Inc. (''Bats''). ATS market share of share volume was sourced from market statistics made publicly-available by FINRA. FINRA trading [sic] reporting facility (''TRF'') market share of share volume was sourced from market statistics made publicly available by Bats. As indicated by FINRA, ATSs accounted for 37.80% of the share volume across the TRFs during the recent tiering period. A 37.80/62.20 split was applied to the ATS and non-ATS breakdown of FINRA market share, with FINRA tiered based only on the non-ATS portion of its TRF market share of share volume.

Based on this, the Operating Committee considered the distribution of Execution Venues, and grouped together Execution Venues with similar levels of market share of share volume. In doing so, the Participants considered that, as previously noted, Execution Venues in many cases have similar levels of message traffic due to quoting activity, and determined that it was simpler and more appropriate to have fewer, rather than more, Execution Venue tiers to distinguish between Execution Venues.

The percentage of costs recovered by each Equity Execution Venue tier will be determined by predefined percentage allocations (the ''Equity Execution Venue Recovery Allocation''). In determining the fixed percentage allocation of costs recovered for each tier, the Operating Committee considered the impact of CAT Reporter market share activity on the CAT System as well as the distribution of total market volume across Equity Execution Venues while seeking to maintain comparable fees among the largest CAT Reporters. Accordingly, following the determination of the percentage of Execution Venues in each tier, the Operating Committee identified the percentage of total market volume for each tier based on the historical market share upon which Execution Venues had been initially ranked. Taking this into account along with the resulting percentage of total recovery, the percentage allocation of costs recovered for each tier were assigned, allocating higher percentages of recovery to the tier with a higher level of market share while avoiding any inappropriate burden on competition. Furthermore, due to the similar levels of impact on the CAT System across Execution Venues, there is less variation in CAT Fees between the highest and

[39] Although FINRA does not operate an execution venue, because it is a Participant, it is considered an ''Execution Venue'' under the Plan for purposes of determining fees.

[40] Section B.7, Appendix C of the CAT NMS Plan, Approval Order at 85005.

lowest of tiers for Execution Venues. Furthermore, by using percentages of Equity Execution Venues and costs recovered per tier, the Operating Committee sought to include stability and elasticity within the funding model, allowing the funding model to respond to changes in either the total number of Equity Execution Venues or changes in market share.

Based on this analysis, the Operating Committee approved the following Equity Execution Venue Percentages and Recovery Allocations:

Equity execution venue tier	Percentage of equity execution venues	Percentage of execution venue recovery	Percentage of total recovery
Tier 1	25.00	26.00	6.50
Tier 2	75.00	49.00	12.25
Total	100	75	18.75

The following table exhibits the relative separation of market share of share volume between Tier 1 and Tier 2 Equity Execution Venues. In reviewing the table, note that while this division was referenced as a data point to help differentiate between Equity Execution Venue tiers, the proposed funding model is directly driven not by market share thresholds, but rather by fixed percentages of Equity Execution Venues across tiers to account for fluctuating levels of market share across time. Actual market share in any tier will vary based on the actual market activity in a given measurement period, as well as the number of Equity Execution Venues included in the measurement period. The Equity Execution Venue Percentages and Equity Execution Venue Recovery Allocation for each tier will remain fixed with each Equity Execution Venue tier to be reassigned periodically, as described below in Section 3(a)(1)(I) [sic].

Equity execution venue tier	Equity market share of share volume (%)
Tier 1	≥1
Tier 2	<1

(II) Listed Options

Section 11.3(a)(ii) of the CAT NMS Plan states that each Execution Venue that executes transactions in Listed Options will pay a fixed fee depending on the Listed Options market share of that Execution Venue, with the Operating Committee establishing at least two and no more than five tiers of fixed fees, based on an Execution Venue's Listed Options market share. For these purposes, market share will be calculated by contract volume.

In accordance with Section 11.3(a)(ii) of the CAT NMS Plan, the Operating Committee approved a tiered fee structure for Options Execution Venues. In determining the tiers, the Operating Committee considered the funding principles set forth in Section 11.2 of the CAT NMS Plan, seeking to create funding tiers that take into account the relative impact on system resources of different Options Execution Venues, and that establish comparable fees among the CAT Reporters with the most Reportable Events. Each Options Execution Venue will be placed into one of two tiers of fixed fees, based on the Execution Venue's Listed Options market share. In choosing two tiers, the Operating Committee performed an analysis similar to that discussed above with regard to Industry Members (other than Execution Venue ATSs) to determine the number of tiers for Options Execution Venues. The Operating Committee determined to establish two tiers for Options Execution Venues, rather than a larger number of tiers as established for Industry Members (other than Execution Venue ATSs), because the two tiers were sufficient to distinguish between the smaller number of Options Execution Venues based on market share. Furthermore, due to the smaller number of Options Execution Venues, the incorporation of additional Options Execution Venue tiers would result in significantly higher fees for Tier 1 Options Execution Venues and reduce comparability between Execution Venues and Industry Members.

Each Options Execution Venue will be ranked by market share and tiered by predefined Execution Venue percentages, (the ''Options Execution Venue Percentages''). To determine the fixed percentage of Options Execution Venues in each tier, the Operating Committee analyzed the historical and publicly available market share of Options Execution Venues to group Options Execution Venues with similar market shares across the tiers. Options Execution Venue market share of share volume were sourced from market statistics made publicly-available by Bats. The process for developing the Options Execution Venue Percentages was the same as discussed above with regard to Equity Execution Venues.

The percentage of costs recovered by each Options Execution Venue tier will be determined by predefined percentage allocations (the ''Options Execution Venue Recovery Allocation''). In determining the fixed percentage allocation of costs recovered for each tier, the Operating Committee considered the impact of CAT Reporter market share activity on the CAT System as well as the distribution of total market volume across Options Execution Venues while seeking to maintain comparable fees among the largest CAT Reporters. Furthermore, by using percentages of Options Execution Venues and costs recovered per tier, the Operating Committee sought to include stability and elasticity within the funding model, allowing the funding model to respond to changes in either the total number of Options Execution Venues or changes in market share. The process for developing the Options Execution Venue Recovery Allocation was the same as discussed above with regard to Equity Execution Venues.

Based on this analysis, the Operating Committee approved the following Options Execution Venue Percentages and Recovery Allocations:

Options execution venue tier	Percentage of options execution venues	Percentage of execution venue recovery	Percentage of total recovery
Tier 1	75.00	20.00	5.00
Tier 2	25.00	5.00	1.25
Total	100	25	6.25

The following table exhibits the relative separation of market share of share volume between Tier 1 and Tier 2 Options Execution Venues. In reviewing the table, note that while this division was referenced as a data point to help differentiate between Options Execution Venue tiers, the proposed funding model is directly driven, not by market share thresholds, but rather by fixed percentages of Options Execution Venues across tiers to account for fluctuating levels of market share across time. Actual market share in any tier will vary based on the actual market activity in a given measurement period, as well as the number of Options Execution Venues included in the measurement period. The Options Execution Venue Percentages and Equity Execution Venue Recovery Allocation for each tier will remain fixed with each Options Execution Venue tier to be reassigned periodically, as described below in Section 3(a)(1)(I) [sic].

Options execution venue tier	Options market share of share volume (%)
Tier 1	≥1
Tier 2	<1

(III) Market Share/Tier Assignments

The Operating Committee determined that, prior to the start of CAT reporting, market share for Execution Venues would be sourced from publicly-available market data. Options and equity volumes for Participants will be sourced from market data made publicly available by Bats while Execution Venue ATS volumes will be sourced from market data made publicly available by FINRA. Set forth in the Appendix are two charts, one listing the current Equity Execution Venues, each with its rank and tier, and one listing the current Options Execution Venues, each with its rank and tier.

After the commencement of CAT reporting, market share for Execution Venues will be sourced from data reported to the CAT. Equity Execution Venue market share will be determined by calculating each Equity Execution Venue's proportion of the total volume of NMS Stock and OTC Equity shares reported by all Equity Execution Venues during the relevant time period. Similarly, market share for Options Execution Venues will be determined by calculating each Options Execution Venue's proportion of the total volume of Listed Options contracts reported by all Options Execution Venues during the relevant time period.

The Operating Committee has determined to calculate fee tiers for Execution Venues every three months based on market share from the prior three months. Based on its analysis of historical data, the Operating Committee believes calculating tiers based on three months of data will provide the best balance between reflecting changes in activity by Execution Venues while still providing predictability in the tiering for Execution Venues.

(D) Allocation of Costs

In addition to the funding principles discussed above, including comparability of fees, Section 11.1(c) of the CAT NMS Plan also requires expenses to be fairly and reasonably shared among the Participants and Industry Members. Accordingly, in developing the proposed fee schedules pursuant to the funding model, the Operating Committee calculated how the CAT costs would be allocated between Industry Members and Execution Venues, and how the portion of CAT costs allocated to Execution Venues would be allocated between Equity Execution Venues and Options Execution Venues. These determinations are described below.

(I) Allocation Between Industry Members and Execution Venues

In determining the cost allocation between Industry Members (other than Execution Venue ATSs) and Execution Venues, the Operating Committee analyzed a range of possible splits for revenue recovered from such Industry Members and Execution Venues. Based on this analysis, the Operating Committee determined that 75 percent of total costs recovered would be allocated to Industry Members (other than Execution Venue ATSs) and 25 percent would be allocated to Execution Venues. The Operating Committee determined that this 75/25 division maintained the greatest level of comparability across the funding model, keeping in view that comparability should consider affiliations among or between CAT Reporters (*e.g.,* firms with multiple Industry Members and/or exchange licenses). For example, the cost allocation establishes fees for the largest Industry Members (*i.e.,* those Industry Members in Tiers 1, 2 and 3) that are comparable to the largest Equity Execution Venues and Options Execution Venues (*i.e.,* those Execution Venues in Tier 1). In addition, the cost allocation establishes fees for Execution Venue complexes that are comparable to those of Industry Member complexes. For example, when analyzing alternative allocations, other possible allocations led to much higher fees for larger Industry Members than for larger Execution Venues or vice versa, and/or led to much higher fees for Industry Member complexes than Execution Venue complexes or vice versa.

Furthermore, the allocation of total CAT costs recovered recognizes the difference in the number of CAT Reporters that are Industry Members versus CAT Reporters that are Execution Venues. Specifically, the cost allocation takes into consideration that there are approximately 25 times more Industry Members expected to report to the CAT than Execution Venues (*e.g.,* an estimated 1,630 Industry Members versus 70 Execution Venues as of January 2017).

(II) Allocation Between Equity Execution Venues and Options Execution Venues

The Operating Committee also analyzed how the portion of CAT costs allocated to Execution Venues would be allocated between Equity Execution Venues and Options Execution Venues. In considering this allocation of costs, the Operating Committee analyzed a range of alternative splits for revenue recovered between Equity and Options Execution Venues, including a 70/30,

67/33, 65/35, 50/50 and 25/75 split. Based on this analysis, the Operating Committee determined to allocate 75 percent of Execution Venue costs recovered to Equity Execution Venues and 25 percent to Options Execution Venues. The Operating Committee determined that a 75/25 division between Equity and Options Execution Venues maintained elasticity across the funding model as well the greatest level of fee equitability and comparability based on the current number of Equity and Options Execution Venues. For example, the allocation establishes fees for the larger Equity Execution Venues that are comparable to the larger Options Execution Venues, and fees for the smaller Equity Execution Venues that are comparable to the smaller Options Execution Venues. In addition to fee comparability between Equity Execution Venues and Options Execution Venues, the allocation also establishes equitability between larger (Tier 1) and smaller (Tier 2) Execution Venues based upon the level of market share. Furthermore, the allocation is intended to reflect the relative levels of current equity and options order events.

(E) Fee Levels

The Operating Committee determined to establish a CAT-specific fee to collectively recover the costs of building and operating the CAT. Accordingly, under the funding model, the sum of the CAT Fees is designed to recover the total cost of the CAT. The Operating Committee has determined overall CAT costs to be comprised of Plan Processor costs and non-Plan Processor costs, which are estimated to be $50,700,000 in total for the year beginning November 21, 2016.[41]

The Plan Processor costs relate to costs incurred by the Plan Processor and consist of the Plan Processor's current estimates of average yearly ongoing costs, including development cost, which total $37,500,000. This amount is based upon the fees due to the Plan Processor pursuant to the agreement with the Plan Processor.

The non-Plan Processor estimated costs incurred and to be incurred by the Company through November 21, 2017 consist of three categories of costs. The first category of such costs are third party support costs, which include historic legal fees, consulting fees and audit fees from November 21, 2016 until the date of filing as well as estimated third party support costs for the rest of the year. These amount to an estimated $5,200,000. The second category of non-Plan Processor costs are estimated insurance costs for the year. Based on discussions with potential insurance providers, assuming $2–5 million insurance premium on $100 million in coverage, the Company has received an estimate of $3,000,000 for the annual cost. The final cost figures will be determined following receipt of final underwriter quotes. The third category of non-Plan Processor costs is the operational reserve, which is comprised of three months of ongoing Plan Processor costs ($9,375,000), third party support costs ($1,300,000) and insurance costs ($750,000). The Operating Committee aims to accumulate the necessary funds for the establishment of the three-month operating reserve for the Company through the CAT Fees charged to CAT Reporters for the year. On an ongoing basis, the Operating Committee will account for any potential need for the replenishment of the operating reserve or other changes to total cost during its annual budgeting process. The following table summarizes the Plan Processor and non-Plan Processor cost components which comprise the total CAT costs of $50,700,000.

Cost category	Cost component	Amount
Plan Processor	Operational Costs	$37,500,000
Non-Plan Processor	Third Party Support Costs	5,200,000
	Operational Reserve	[42] 5,000,000
	Insurance Costs	3,000,000
Estimated Total		50,700,000

Based on the estimated costs and the calculations for the funding model described above, the Operating Committee determined to impose the following fees:[43]

For Industry Members (other than Execution Venue ATSs):

Tier	Monthly CAT fee	Quarterly CAT fee	CAT fees paid annually[44]
1	$33,668	$101,004	$404,016
2	27,051	81,153	324,612
3	19,239	57,717	230,868
4	6,655	19,965	79,860
5	4,163	12,489	49,956
6	2,560	7,680	30,720
7	501	1,503	6,012
8	145	435	1,740
9	22	66	264

This column represents the approximate total CAT Fees paid each year by each Industry Member (other than Execution Venue ATSs) (*i.e.,* ''CAT Fees Paid Annually'' = ''Monthly CAT Fee'' × 12 months).

For Execution Venues for NMS Stocks and OTC Equity Securities:

[41] It is anticipated that CAT-related costs incurred prior to November 21, 2016 will be addressed via a separate fee filing.

[42] This $5,000,000 represents the gradual accumulation of the funds for a target operating reserve of $11,425,000.

[43] Note that all monthly, quarterly and annual CAT Fees have been rounded to the nearest dollar.

Tier	Monthly CAT fee	Quarterly CAT fee	CAT fees paid annually [45]
1	$21,125	$63,375	$253,500
2	12,940	38,820	155,280

This column represents the approximate total CAT Fees paid each year by each Execution Venue for NMS Stocks and OTC Equity Securities (*i.e.,* ''CAT Fees Paid Annually'' = ''Monthly CAT Fee'' × 12 months).

For Execution Venues for Listed Options:

Tier	Monthly CAT fee	Quarterly CAT fee	CAT fees paid annually [46]
1	$19,205	$57,615	$230,460
2	13,204	39,612	158,448

This column represents the approximate total CAT Fees paid each year by each Execution Venue for Listed Options (*i.e.,* ''CAT Fees Paid Annually'' = ''Monthly CAT Fee'' × 12 months).

As noted above, the fees set forth in the tables reflect the Operating Committee's decision to ensure comparable fees between Execution Venues and Industry Members. The fees of the top tiers for Industry Members (other than Execution Venue ATSs) are not identical to the top tier for Execution Venues, however, because the Operating Committee also determined that the fees for Execution Venue complexes should be comparable to those of Industry Member complexes. The difference in the fees reflects this decision to recognize affiliations.

The Operating Committee has calculated the schedule of effective fees for Industry Members (other than Execution Venue ATSs) and Execution Venues in the following manner. Note that the calculation of CAT Reporter fees assumes 53 Equity Execution Venues, 15 Options Execution Venues and 1,631 Industry Members (other than Execution Venue ATSs) as of January 2017.

CALCULATION OF ANNUAL TIER FEES FOR INDUSTRY MEMBERS

[''IM'']

Industry member tier	Percentage of industry members	Percentage of industry member recovery	Percentage of total recovery
Tier 1	0.500	8.50	6.38
Tier 2	2.500	35.00	26.25
Tier 3	2.125	21.25	15.94
Tier 4	4.625	15.75	11.81
Tier 5	3.625	7.75	5.81
Tier 6	4.000	5.25	3.94
Tier 7	17.500	4.50	3.38
Tier 8	20.125	1.50	1.13
Tier 9	45.000	0.50	0.38
Total	100	100	75

Industry member tier	Estimated number of industry members
Tier 1	8
Tier 2	41
Tier 3	35
Tier 4	75
Tier 5	59
Tier 6	65
Tier 7	285
Tier 8	328
Tier 9	735
Total	1,631

Calculation 1.1 (Calculation of a Tier 1 Industry Member Monthly Fee)

$$1{,}631\ [\text{Estimated Tot. IMs}] \times 0.5\%\ [\text{\% of Tier 1 IMs}] = 8\ [\text{Estimated Tier 1 IMs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 75\%\ [\text{IM \% of Tot.Ann.CAT Costs}] \times 8.50\%\ [\text{\% of Tier 1 IM Recovery}]}{8\ [\text{Estimated Tier 1 IMs}]}\right) \div 12\ [\text{Months per year}] = \$\mathbf{33{,}668}$$

Calculation 1.2 (Calculation of a Tier 2 Industry Member Monthly Fee)

$$1{,}631\ [\text{Estimated Tot. IMs}] \times 2.5\%\ [\text{\% of Tier 2 IMs}] = 41\ [\text{Estimated Tier 2 IMs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 75\%\ [\text{IM \% of Tot.Ann.CAT Costs}] \times 35\%\ [\text{\% of Tier 2 IM Recovery}]}{41\ [\text{Estimated Tier 2 IMs}]}\right) \div 12\ [\text{Months per year}] = \$\mathbf{27{,}051}$$

Calculation 1.3 (Calculation of a Tier 3 Industry Member Monthly Fee)

$$1{,}631\ [\text{Estimated Tot. IMs}] \times 2.125\%\ [\text{\% of Tier 3 IMs}] = 35\ [\text{Estimated Tier 3 IMs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 75\%\ [\text{IM \% of Tot.Ann.CAT Costs}] \times 21.25\%\ [\text{\% of Tier 3 IM Recovery}]}{35\ [\text{Estimated Tier 3 IMs}]}\right) \div 12\ [\text{Months per year}] = \$\mathbf{19{,}239}$$

Calculation 1.4 (Calculation of a Tier 4 Industry Member Monthly Fee)

$$1{,}631\ [\text{Estimated Tot. IMs}] \times 4.625\%\ [\text{\% of Tier 4 IMs}] = 75\ [\text{Estimated Tier 4 IMs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 75\%\ [\text{IM \% of Tot.Ann.CAT Costs}] \times 15.75\%\ [\text{\% of Tier 4 IM Recovery}]}{75\ [\text{Estimated Tier 4 IMs}]}\right) \div 12\ [\text{Months per year}] = \$\mathbf{6{,}655}$$

Calculation 1.5 (Calculation of a Tier 5 Industry Member Annual Fee)

$$1{,}631\ [\text{Estimated Tot. IMs}] \times 3.625\%\ [\text{\% of Tier 5 IMs}] = 59\ [\text{Estimated Tier 5 IMs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 75\%\ [\text{IM \% of Tot.Ann.CAT Costs}] \times 7.75\%\ [\text{\% of Tier 5 IM Recovery}]}{59\ [\text{Estimated Tier 5 IMs}]}\right) \div 12\ [\text{Months per year}] = \$\mathbf{4{,}163}$$

Calculation 1.6 (Calculation of a Tier 6 Industry Member Monthly Fee)

$$1{,}631\ [\text{Estimated Tot. IMs}] \times 4\%\ [\text{\% of Tier 6 IMs}] = 65\ [\text{Estimated Tier 6 IMs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 75\%\ [\text{IM \% of Tot.Ann.CAT Costs}] \times 5.25\%\ [\text{\% of Tier 6 IM Recovery}]}{65\ [\text{Estimated Tier 6 IMs}]}\right) \div 12\ [\text{Months per year}] = \$\mathbf{2{,}560}$$

Calculation 1.7 (Calculation of a Tier 7 Industry Member Monthly Fee)

$$1{,}631\ [\text{Estimated Tot. IMs}] \times 17.5\%\ [\text{\% of Tier 7 IMs}] = 285\ [\text{Estimated Tier 7 IMs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 75\%\ [\text{IM \% of Tot.Ann.CAT Costs}] \times 4.50\%\ [\text{\% of Tier 7 IM Recovery}]}{285\ [\text{Estimated Tier 7 IMs}]}\right) \div 12\ [\text{Months per year}] = \$\mathbf{501}$$

Calculation 1.8 (Calculation of a Tier 8 Industry Member Monthly Fee)

$$1{,}631\ [\text{Estimated Tot. IMs}] \times 20.125\%\ [\text{\% of Tier 8 IMs}] = 328\ [\text{Estimated Tier 8 IMs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 75\%\ [\text{IM \% of Tot.Ann.CAT Costs}] \times 1.50\%\ [\text{\% of Tier 8 IM Recovery}]}{328\ [\text{Estimated Tier 8 IMs}]}\right) \div 12\ [\text{Months per year}] = \$\mathbf{145}$$

Calculation 1.9 (Calculation of a Tier 9 Industry Member Monthly Fee)

$$1{,}631\ [\text{Estimated Tot. IMs}] \times 45\%\ [\text{\% of Tier 9 IMs}] = 735\ [\text{Estimated Tier 9 IMs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 75\%\ [\text{IM \% of Tot.Ann.CAT Costs}] \times 0.50\%\ [\text{\% of Tier 9 IM Recovery}]}{735\ [\text{Est.Tier 9 IMs}]}\right) \div 12\ [\text{Months per year}] = \$\mathbf{22}$$

CALCULATION OF ANNUAL TIER FEES FOR EQUITY EXECUTION VENUES

["EV"]

Equity execution venue tier	Percentage of equity execution venues	Percentage of execution venue recovery	Percentage of total recovery
Tier 1	25.00	26.00	6.50
Tier 2	75.00	49.00	12.25
Total	100	75	18.75

Equity execution venue tier	Estimated number of equity execution venues
Tier 1	13
Tier 2	40
Total	53

Calculation 2.1 (Calculation of a Tier 1 Equity Execution Venue Monthly Fee)

$$52\ [\text{Estimated Tot. Equity EVs}]\ \times 25\%\ [\%\ \text{of Tier 1 Equity EVs}] = 13\ [\text{Estimated Tier 1 Equity EVs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot. Ann.CAT Costs}] \times 25\%\ [\text{EV \% of Tot.Ann.CAT Costs}] \times 26\%\ [\text{\% of Tier 1 Equity EV Recovery}]}{13\ [\text{Estimated Tier 1 Equity EVs}]}\right) \div 12\ [\text{Months per year}] = \mathbf{\$21{,}125}$$

Calculation 2.2 (Calculation of a Tier 2 Equity Execution Venue Monthly Fee)

$$52\ [\text{Estimated Tot. Equity EVs}]\ \times 75\%\ [\%\ \text{of Tier 2 Equity EVs}] = 40\ [\text{Estimated Tier 2 Equity EVs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot. Ann.CAT Costs}] \times 25\%\ [\text{EV \% of Tot.Ann.CAT Costs}] \times 49\%\ [\text{\% of Tier 2 Equity EV Recovery}]}{40\ [\text{Estimated Tier 2 Equity EVs}]}\right) \div 12\ [\text{Months per year}] = \mathbf{\$12{,}940}$$

CALCULATION OF ANNUAL TIER FEES FOR OPTIONS EXECUTION VENUES

["EV"]

Options execution venue tier	Percentage of options execution venues	Percentage of execution venue recovery	Percentage of total recovery
Tier 1	75.00	20.00	5.00
Tier 2	25.00	5.00	1.25
Total	100	25	6.25

Options execution venue tier	Estimated number of options execution venues
Tier 1	11
Tier 2	4
Total	15

Calculation 3.1 (Calculation of a Tier 1 Options Execution Venue Monthly Fee)

$$15\ [\text{Estimated Tot. Options EVs}]\ \times 75\%\ [\%\ \text{of Tier 1 Options EVs}] = 11\ [\text{Estimated Tier 1 Options EVs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 25\%\ [\text{EV \% of Tot.Ann.CAT Costs}] \times 20\%\ [\text{\% of Tier 1 Options EV Recovery}]}{11\ [\text{Estimated Tier 1 Options EVs}]}\right) \div 12\ [\text{Months per year}] = \mathbf{\$19{,}205}$$

Calculation 3.2 (Calculation of a Tier 2 Options Execution Venue Annual Fee)

$$15\ [\text{Estimated Tot. Options EVs}]\ \times 25\%\ [\%\ \text{of Tier 2 Options EVs}] = 4\ [\text{Estimated Tier 2 Options EVs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 25\%\ [\text{EV \% of Tot.Ann.CAT Costs}] \times 5\%\ [\text{\% of Tier 2 Options EV Recovery}]}{4\ [\text{Estimated Tier 2 Options EVs}]}\right) \div 12\ [\text{Months per year}] = \mathbf{\$13{,}204}$$

TRACEABILITY OF TOTAL CAT FEES

Type	Industry member tier	Estimated number of members	CAT fees paid annually	Total recovery
Industry Members	Tier 1	8	$404,016	$3,232,128
	Tier 2	41	324,612	13,309,092
	Tier 3	35	230,868	8,080,380
	Tier 4	75	79,860	5,989,500
	Tier 5	59	49,956	2,947,404
	Tier 6	65	30,720	1,996,800
	Tier 7	285	6,012	1,713,420
	Tier 8	328	1,740	570,720
	Tier 9	735	264	194,040
Total		1,631		38,033,484
Equity Execution Venues	Tier 1	13	253,500	3,295,500

TRACEABILITY OF TOTAL CAT FEES—Continued

Type	Industry member tier	Estimated number of members	CAT fees paid annually	Total recovery
	Tier 2	40	155,280	6,211,200
Total		53		9,506,700
Options Execution Venues	Tier 1	11	230,460	2,535,060
	Tier 2	4	158,448	633,792
Total		15		3,168,852
Total				50,709,036
Excess [47]				9,036

[47] The amount in excess of the total CAT costs will contribute to the gradual accumulation of the target operating reserve of $11.425 million.

(F) Comparability of Fees

The funding principles require a funding model in which the fees charged to the CAT Reporters with the most CAT-related activity (measured by market share and/or message traffic, as applicable) are generally comparable (where, for these comparability purposes, the tiered fee structure takes into consideration affiliations between or among CAT Reporters, whether Execution Venue and/or Industry Members). Accordingly, in creating the model, the Operating Committee sought to take account of the affiliations between or among CAT Reporters—that is, where affiliated entities may have multiple Industry Member and/or Execution Venue licenses, by maintaining relative comparability of fees among such affiliations with the most expected CAT-related activity. To do this, the Participants identified representative affiliations in the largest tier of both Execution Venues and Industry Members and compared the aggregate fees that would be paid by such firms.

While the proposed fees for Tier 1 and Tier 2 Industry Members are relatively higher than those of Tier 1 and Tier 2 Execution Venues, Execution Venue complex fees are relatively higher than those of Industry Member complexes largely due to affiliations between Execution Venues. The tables set forth below describe the largest Execution Venue and Industry Member complexes and their associated fees: [48]

EXECUTION VENUE COMPLEXES

Execution venue complex	Listing of equity execution venue tiers	Listing of options execution venue tier	Total fees by EV complex
Execution Venue Complex 1	• Tier 1 (x2) • Tier 2 (x1)	• Tier 1 (x4) • Tier 2 (x2)	$1,900,962
Execution Venue Complex 2	• Tier 1 (x2)	• Tier 1 (x2) • Tier 2 (x1)	1,863,801
Execution Venue Complex 3	• Tier 1 (x2) • Tier 2 (x2)	• Tier 1 (x2)	1,278,447

INDUSTRY MEMBER COMPLEXES

Industry member complex	Listing of industry member tiers	Listing of ATS tiers	Total fees by IM complex
Industry Member Complex 1	• Tier 1 (x2)	• Tier 2 (x1)	$963,300
Industry Member Complex 2	• Tier 1 (x1) • Tier 4 (x1)	• Tier 2 (x3)	949,674
Industry Member Complex 3	• Tier 1 (x1) • Tier 2 (x1)	• Tier 2 (x1)	883,888
Industry Member Complex 4	• Tier 1 (x1) • Tier 2 (x1) • Tier 4 (x1)	N/A	808,472
Industry Member Complex 5	• Tier 2 (x1) • Tier 3 (x1) • Tier 4 (x1) • Tier 7 (x1)	• Tier 2 (x1)	796,595

[48] Note that the analysis of the complexes was performed on a best efforts basis, as all affiliations between the 1631 Industry Members may not be included.

(G) Billing Onset

Under Section 11.1(c) of the CAT NMS Plan, to fund the development and implementation of the CAT, the Company shall time the imposition and collection of all fees on Participants and Industry Members in a manner reasonably related to the timing when the Company expects to incur such development and implementation costs. The Company is currently incurring such development and implementation costs and will continue to do so prior to the commencement of CAT reporting and thereafter. For example, the Plan Processor has required up-front payments to begin building the CAT. In addition, the Company continues to incur consultant and legal expenses on an on-going basis to implement the CAT. Accordingly, the Operating Committee determined that all CAT Reporters, including both Industry Members and Execution Venues (including Participants), would begin to be invoiced as promptly as possible following the establishment of a billing mechanism. The Exchange will issue a Regulatory Circular to its members when the billing mechanism is established, specifying the date when such invoicing of Industry Members will commence.

(H) Changes to Fee Levels and Tiers

Section 11.3(d) of the CAT NMS Plan states that ''[t]he Operating Committee shall review such fee schedule on at least an annual basis and shall make any changes to such fee schedule that it deems appropriate. The Operating Committee is authorized to review such fee schedule on a more regular basis, but shall not make any changes on more than a semi-annual basis unless, pursuant to a Supermajority Vote, the Operating Committee concludes that such change is necessary for the adequate funding of the Company.'' With such reviews, the Operating Committee will review the distribution of Industry Members and Execution Venues across tiers, and make any updates to the percentage of CAT Reporters allocated to each tier as may be necessary. In addition, the reviews will evaluate the estimated ongoing CAT costs and the level of the operating reserve. To the extent that the total CAT costs decrease, the fees would be adjusted downward, and, to the extent that the total CAT costs increase, the fees would be adjusted upward.[49] Furthermore, any surplus of the Company's revenues over its expenses is to be included within the operational reserve to offset future fees. The limitations on more frequent changes to the fee, however, are intended to provide budgeting certainty for the CAT Reporters and the Company.[50] To the extent that the Operating Committee approves changes to the number of tiers in the funding model or the fees assigned to each tier, then the Exchange will file such changes with the SEC pursuant to Section 19(b) of the Exchange Act, and any such changes will become effective in accordance with the requirements of Section 19(b).

(I) Initial and Periodic Tier Reassignments

The Operating Committee has determined to calculate fee tiers every three months based on market share or message traffic, as applicable, from the prior three months. For the initial tier assignments, the Company will calculate the relevant tier for each CAT Reporter using the three months of data prior to the commencement date. As with the initial tier assignment, for the tri-monthly reassignments, the Company will calculate the relevant tier using the three months of data prior to the relevant tri-monthly date. The Exchange notes that any movement of CAT Reporters between tiers will not change the criteria for each tier or the fee amount corresponding to each tier.

In performing the tri-monthly reassignments, the Exchange notes that the percentage of CAT Reporters in each assigned tier is relative. Therefore, a CAT Reporter's assigned tier will depend, not only on its own message traffic or market share, but it also will depend on the message traffic/market share across all CAT Reporters. For example, the percentage of Industry Members (other than Execution Venue ATSs) in each tier is relative such that such Industry Member's assigned tier will depend on message traffic generated across all CAT Reporters as well as the total number of CAT Reporters. The Operating Committee will inform CAT Reporters of their assigned tier every three months following the periodic tiering process, as the funding model will compare an individual CAT Reporter's activity to that of other CAT Reporters in the marketplace.

The following demonstrates a tier reassignment. In accordance with the funding model, the top 75% of Options Execution Venues in market share are categorized as Tier 1 while the bottom 25% of Options Execution Venues in market share are categorized as Tier 2. In the sample scenario below, Options Execution Venue L is initially categorized as a Tier 2 Options Execution Venue in Period A due to its market share. When market share is recalculated for Period B, the market share of Execution Venue L increases, and it is therefore subsequently reranked and reassigned to Tier 1 in Period B. Correspondingly, Options Execution Venue K, initially a Tier 1 Options Execution Venue in Period A, is reassigned to Tier 2 in Period B due to decreases in its market share of share volume.

Period A			Period B		
Options execution venue	Market share rank	Tier	Options execution venue	Market share rank	Tier
Options Execution Venue A	1	1	Options Execution Venue A	1	1
Options Execution Venue B	2	1	Options Execution Venue B	2	1
Options Execution Venue C	3	1	Options Execution Venue C	3	1
Options Execution Venue D	4	1	Options Execution Venue D	4	1
Options Execution Venue E	5	1	Options Execution Venue E	5	1
Options Execution Venue F	6	1	Options Execution Venue F	6	1
Options Execution Venue G	7	1	Options Execution Venue I	7	1
Options Execution Venue H	8	1	Options Execution Venue H	8	1
Options Execution Venue I	9	1	Options Execution Venue G	9	1
Options Execution Venue J	10	1	Options Execution Venue J	10	1
Options Execution Venue K	11	1	Options Execution Venue L	11	1

[49] The CAT Fees are designed to recover the costs associated with the CAT. Accordingly, CAT Fees would not be affected by increases or decreases in other non-CAT expenses incurred by the Participants, such as any changes in costs related to the retirement of existing regulatory systems, such as OATS.

[50] Section B.7, Appendix C of the CAT NMS Plan, Approval Order at 85006.

Period A			Period B		
Options execution venue	Market share rank	Tier	Options execution venue	Market share rank	Tier
Options Execution Venue L	12	2	Options Execution Venue K	12	2
Options Execution Venue M	13	2	Options Execution Venue N	13	2
Options Execution Venue N	14	2	Options Execution Venue M	14	2
Options Execution Venue O	15	2	Options Execution Venue O	15	2

(3) Proposed CAT Fee Schedule

The Exchange proposes the Consolidated Audit Trail Funding Fees to implement the CAT Fees determined by the Operating Committee on MIAX PEARL's Industry Members. The proposed fee schedule has three sections, covering definitions, the fee schedule for CAT Fees, and the timing and manner of payments. Each of these sections is discussed in detail below.

(A) Definitions

Paragraph (a) of the proposed fee schedule sets forth the definitions for the proposed fee schedule. Paragraph (a)(1) states that, for purposes of the Consolidated Audit Trail Funding Fees, the terms ''CAT NMS Plan,'' ''Industry Member,'' ''NMS Stock,'' ''OTC Equity Security'', and ''Participant'' are defined as set forth in Rule 1701 (Consolidated Audit Trail Compliance Rule—Definitions).[51]

The proposed fee schedule imposes different fees on Equity ATSs and Industry Members that are not Equity ATSs. Accordingly, the proposed fee schedule defines the term ''Equity ATS.'' First, paragraph (a)(2) defines an ''ATS'' to mean an alternative trading system as defined in Rule 300(a) of Regulation ATS under the Securities Exchange Act of 1934, as amended, that operates pursuant to Rule 301 of Regulation ATS. This is the same definition of an ATS as set forth in Section 1.1 of the CAT NMS Plan in the definition of an ''Execution Venue.'' Then, paragraph (a)(4) defines an ''Equity ATS'' as an ATS that executes transactions in NMS Stocks and/or OTC Equity Securities.

Paragraph (a)(3) of the proposed fee schedule defines the term ''CAT Fee'' to mean the Consolidated Audit Trail Funding Fee(s) to be paid by Industry Members as set forth in paragraph (b) in the proposed fee schedule.

Finally, Paragraph (a)(6) defines an ''Execution Venue'' as a Participant or an ATS (excluding any such ATS that does not execute orders). This definition is the same substantive definition as set forth in Section 1.1 of the CAT NMS Plan. Paragraph (a)(5) defines an ''Equity Execution Venue'' as an Execution Venue that trades NMS Stocks and/or OTC Equity Securities.

(B) Fee Schedule

The Exchange proposes to impose the CAT Fees applicable to its Industry Members through paragraph (b) of the proposed fee schedule. Paragraph (b)(1) of the proposed fee schedule sets forth the CAT Fees applicable to Industry Members other than Equity ATSs. Specifically, paragraph (b)(1) states that the Company will assign each Industry Member (other than an Equity ATS) to a fee tier once every quarter, where such tier assignment is calculated by ranking each Industry Member based on its total message traffic for the three months prior to the quarterly tier calculation day and assigning each Industry Member to a tier based on that ranking and predefined Industry Member percentages. The Industry Members with the highest total quarterly message traffic will be ranked in Tier 1, and the Industry Members with lowest quarterly message traffic will be ranked in Tier 9. Each quarter, each Industry Member (other than an Equity ATS) shall pay the following CAT Fee corresponding to the tier assigned by the Company for such Industry Member for that quarter:

Tier	Percentage of industry members	Quarterly CAT fee
1	0.500	$101,004
2	2.500	81,153
3	2.125	57,717
4	4.625	19,965
5	3.625	12,489
6	4.000	7,680
7	17.500	1,503
8	20.125	435
9	45.000	66

Paragraph (b)(2) of the proposed fee schedule sets forth the CAT Fees applicable to Equity ATSs.[52] These are the same fees that Participants that trade NMS Stocks and/or OTC Equity Securities will pay. Specifically, paragraph (b)(2) states that the Company will assign each Equity ATS to a fee tier once every quarter, where such tier assignment is calculated by ranking each Equity Execution Venue based on its total market share of NMS Stocks and OTC Equity Securities for the three months prior to the quarterly tier calculation day and assigning each Equity Execution Venue to a tier based on that ranking and predefined Equity Execution Venue percentages. The Equity Execution Venues with the higher total quarterly market share will be ranked in Tier 1, and the Equity Execution Venues with the lower quarterly market share will be ranked in Tier 2. Specifically, paragraph (b)(2) states that, each quarter, each Equity ATS shall pay the following CAT Fee corresponding to the tier assigned by the Company for such Equity ATS for that quarter:

Tier	Percentage of equity execution venues	Quarterly CAT fee
1	25.00	$63,375
2	75.00	38,820

(C) Timing and Manner of Payment

Section 11.4 of the CAT NMS Plan states that the Operating Committee shall establish a system for the collection of fees authorized under the CAT NMS Plan. The Operating Committee may include such collection responsibility as a function of the Plan Processor or another administrator. To implement the payment process to be adopted by the Operating Committee,

[51] The rules contained in Miami International Securities Exchange, LLC Rule Book Chapter XVII, as such rules may be in effect from time to time (the ''Chapter XVII Rules''), have been incorporated by reference into MIAX PEARL Chapter XVII, and are thus MIAX PEARL Rules and thereby applicable to MIAX PEARL members. MIAX PEARL members shall comply with the Chapter XVII Rules as though such rules were fully-set forth in the MIAX PEARL Rule Book. All defined terms, including any variations thereof, contained in Chapter XVII Rules shall be read to refer to the MIAX PEARL related meaning of such term. *See* Securities Exchange Act Release No. 80256 (March 15, 2017), 82 FR 14,526 (March 21, 2017) (SR–PEARL–2017–004) and Securities Exchange Act Release No. 80338 (March 29, 2017), 82 FR 16,464 (April 4, 2017).

[52] Note that no fee schedule is provided for Execution Venue ATSs that execute transactions in Listed Options, as no such Execution Venue ATSs currently exist due trading restrictions related to Listed Options.

paragraph (c)(1) of the proposed fee schedule states that the Company will provide each Industry Member with one invoice each quarter for its CAT Fees as determined pursuant to paragraph (b) of the proposed fee schedule, regardless of whether the Industry Member is a member of multiple self-regulatory organizations. Paragraph (c)(1) further states that each Industry Member will pay its CAT Fees to the Company via the centralized system for the collection of CAT Fees established by the Company in the manner prescribed by the Company. MIAX PEARL will provide Industry Members with details regarding the manner of payment of CAT Fees by Regulatory Circular.

Although the exact fee collection system and processes for CAT fees has not yet been established, all CAT fees will be billed and collected centrally through the Company, via the Plan Processor or otherwise. Although each Participant will adopt its own fee schedule regarding CAT Fees, no CAT Fees or portion thereof will be collected by the individual Participants. Each Industry Member will receive from the Company one invoice for its applicable CAT fees, not separate invoices from each Participant of which it is a member. The Industry Members will pay the CAT Fees to the Company via the centralized system for the collection of CAT fees established by the Company.[53]

Section 11.4 of the CAT NMS Plan also states that Participants shall require each Industry Member to pay all applicable authorized CAT Fees within thirty days after receipt of an invoice or other notice indicating payment is due (unless a longer payment period is otherwise indicated). Section 11.4 further states that, if an Industry Member fails to pay any such fee when due, such Industry Member shall pay interest on the outstanding balance from such due date until such fee is paid at a per annum rate equal to the lesser of: (i) The Prime Rate plus 300 basis points; or (ii) the maximum rate permitted by applicable law. Therefore, in accordance with Section 11.4 of the CAT NMS Plan, the Exchange proposes to adopt paragraph (c)(2) of the proposed fee schedule. Paragraph (c)(2) of the proposed fee schedule states that each Industry Member shall pay CAT Fees within thirty days after receipt of an invoice or other notice indicating payment is due (unless a longer payment period is otherwise indicated). If an Industry Member fails to pay any such fee when due, such Industry Member shall pay interest on the outstanding balance from such due date until such fee is paid at a per annum rate equal to the lesser of: (i) The Prime Rate plus 300 basis points; or (ii) the maximum rate permitted by applicable law.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with the provisions of Section 6(b)(5) of the Act,[54] which require, among other things, that the Exchange rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and not designed to permit unfair discrimination between customers, issuers, brokers and dealers, and Section 6(b)(4) of the Act,[55] which requires that Exchange rules provide for equitable allocation of reasonable dues, fees and other charges among its members and issuers and other persons using its facilities. As discussed above, the SEC approved the bifurcated, tiered, fixed fee funding model in the CAT NMS Plan, finding it was reasonable and that it equitably allocated fees among Participants and Industry Members. The Exchange believes that the proposed tiered fees adopted pursuant to the funding model approved by the SEC in the CAT NMS Plan are reasonable, equitably allocated and not unfairly discriminatory.

The Exchange believes that this proposal is consistent with the Act because it implements, interprets or clarifies the provisions of the Plan, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.'' [56] To the extent that this proposal implements, interprets or clarifies the Plan and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Act.

The Exchange believes that the proposed tiered fees are reasonable. First, the total CAT Fees to be collected would be directly associated with the costs of establishing and maintaining the CAT, where such costs include Plan Processor costs and costs related to insurance, third party services and the operational reserve. The CAT Fees would not cover Participant services unrelated to the CAT. In addition, any surplus CAT Fees cannot be distributed to the individual Participants; such surpluses must be used as a reserve to offset future fees. Given the direct relationship between the fees and the CAT costs, the Exchange believes that the total level of the CAT Fees is reasonable.

In addition, the Exchange believes that the proposed CAT Fees are reasonably designed to allocate the total costs of the CAT equitably between and among the Participants and Industry Members, and are therefore not unfairly discriminatory. As discussed in detail above, the proposed tiered fees impose comparable fees on similarly situated CAT Reporters. For example, those with a larger impact on the CAT (measured via message traffic or market share) pay higher fees, whereas CAT Reporters with a smaller impact pay lower fees. Correspondingly, the tiered structure lessens the impact on smaller CAT Reporters by imposing smaller fees on those CAT Reporters with less market share or message traffic. In addition, the funding model takes into consideration affiliations between CAT Reporters, imposing comparable fees on such affiliated entities.

Moreover, the Exchange believes that the division of the total CAT costs between Industry Members and Execution Venues, and the division of the Execution Venue portion of total costs between Equity and Options Execution Venues, is reasonably designed to allocate CAT costs among CAT Reporters. The 75/25 division between Industry Members and Execution Venues maintains the greatest level of comparability across the funding model, keeping in view that comparability should consider affiliations among or between CAT Reporters (*e.g.,* firms with multiple Industry Members or exchange licenses). Similarly, the 75/25 division between Equity and Options Execution Venues maintains elasticity across the funding model as well as the greatest level of fee equitability and comparability based on the current number of Equity and Options Execution Venues.

Finally, the Exchange believes that the proposed fees are reasonable because they would provide ease of calculation, ease of billing and other administrative functions, and

[53] Section 11.4 of the CAT NMS Plan.

[54] 15 U.S.C. 78f(b).

[55] 15 U.S.C. 78f(b)(4).

[56] Approval Order at 84697.

predictability of a fixed fee. Such factors are crucial to estimating a reliable revenue stream for the Company and for permitting CAT Reporters to reasonably predict their payment obligations for budgeting purposes.

B. Self-Regulatory Organization's Statement on Burden on Competition

Section 6(b)(8) of the Act [57] requires that Exchange rules not impose any burden on competition that is not necessary or appropriate. The Exchange does not believe that the proposed amendments to its Fee Schedule will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change implements provisions of the CAT NMS Plan approved by the Commission, and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. Similarly, all national securities exchanges and FINRA are proposing this proposed fee schedule to implement the requirements of the CAT NMS Plan. Therefore, this is not a competitive fee filing and, therefore, it does not raise competition issues between and among the exchanges and FINRA.

Moreover, as previously described, the Exchange believes that the proposed rule change fairly and equitably allocates costs among CAT Reporters. In particular, the proposed fee schedule is structured to impose comparable fees on similarly situated CAT Reporters, and lessen the impact on smaller CAT Reporters. CAT Reporters with similar levels of CAT activity will pay similar fees. For example, Industry Members (other than Execution Venue ATSs) with higher levels of message traffic will pay higher fees, and those with lower levels of message traffic will pay lower fees. Similarly, Execution Venue ATSs and other Execution Venues with larger market share will pay higher fees, and those with lower levels of market share will pay lower fees. Therefore, given that there is generally a relationship between message traffic and market share to the CAT Reporter's size, smaller CAT Reporters generally pay less than larger CAT Reporters. Accordingly, the Exchange does not believe that the CAT Fees would have a disproportionate effect on smaller or larger CAT Reporters. In addition, ATSs and exchanges will pay the same fees based on market share. Therefore, the Exchange does not believe that the fees will impose any burden on the competition between ATSs and exchanges. Accordingly, the Exchange believes that the proposed fees will minimize the potential for adverse effects on competition between CAT Reporters in the market.

Furthermore, the tiered, fixed fee funding model limits the disincentives to providing liquidity to the market. Therefore, the proposed fees are structured to limit burdens on competitive quoting and other liquidity provision in the market.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[58] and Rule 19b–4(f)(2) [59] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–PEARL–2017–20 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–PEARL–2017–20. 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–PEARL–2017–20, and should be submitted on or before June 9, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[60]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–10131 Filed 5–18–17; 8:45 am]

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[57] 15 U.S.C. 78f(b)(8).

[58] 15 U.S.C. 78s(b)(3)(A)(ii).

[59] 17 CFR 240.19b–4(f)(2).

[60] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80675; File No. SR–MIAX–2017–18]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule

May 15, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 1, 2017, Miami International Securities Exchange LLC (''MIAX Options'' or

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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 is filing a proposal to amend the MIAX Options Fee Schedule (the ''Fee Schedule'') to adopt a fee schedule to establish the fees for Industry Members related to the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan'').[3]

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/rule-filings,* at MIAX's principal office, 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

Bats BYX Exchange, Inc., Bats BZX Exchange, Inc., Bats EDGA Exchange, Inc., Bats EDGX Exchange, Inc., BOX Options Exchange LLC, C2 Options Exchange, Incorporated, Chicago Board Options Exchange, Incorporated, Chicago Stock Exchange, Inc., Financial Industry Regulatory Authority, Inc. (''FINRA''), Investors' Exchange LLC, Miami International Securities Exchange, LLC, MIAX PEARL, LLC, NASDAQ BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC,[4] NASDAQ PHLX LLC, The NASDAQ Stock Market LLC, New York Stock Exchange LLC, NYSE MKT LLC, NYSE Arca, Inc. and NYSE National, Inc.[5] (collectively, the ''Participants'') filed with the Commission, pursuant to Section 11A of the

Exchange Act[6] and Rule 608 of Regulation NMS thereunder,[7] the CAT NMS Plan.[8] The Participants filed the Plan to comply with Rule 613 of Regulation NMS under the Exchange Act. The Plan was published for comment in the **Federal Register** on May 17, 2016,[9] and approved by the Commission, as modified, on November 15, 2016.[10] The Plan is designed to create, implement and maintain a consolidated audit trail (''CAT'') that would capture customer and order event information for orders in NMS Securities and OTC Equity Securities, across all markets, from the time of order inception through routing, cancellation, modification, or execution in a single consolidated data source. The Plan accomplishes this by creating CAT NMS, LLC (the ''Company''), of which each Participant is a member, to operate the CAT.[11] Under the CAT NMS Plan, the Operating Committee of the Company (''Operating Committee'') has discretion to establish funding for the Company to operate the CAT, including establishing fees that the Participants will pay, and establishing fees for Industry Members that will be implemented by the Participants (''CAT Fees'').[12] The Participants are required to file with the SEC under Section 19(b) of the Exchange Act any such CAT Fees applicable to Industry Members that the Operating Committee approves.[13] Accordingly, the Exchange submits this fee filing to propose the Consolidated Audit Trail Funding Fees, which will require Industry Members that are Exchange members to pay the CAT Fees determined by the Operating Committee.

(1) Executive Summary

The following provides an executive summary of the CAT funding model approved by the Operating Committee, as well as Industry Members' rights and obligations related to the payment of CAT Fees calculated pursuant to the CAT funding model. A detailed description of the CAT funding model and the CAT Fees follows this executive summary.

(A) CAT Funding Model

- *CAT Costs.* The CAT funding model is designed to establish CAT-specific fees to collectively recover the costs of building and operating the CAT from all CAT Reporters, including Industry Members and Participants. The overall CAT costs for the calculation of the CAT Fees in this fee filing are comprised of Plan Processor CAT costs and non-Plan Processor CAT costs incurred, and estimated to be incurred, from November 21, 2016 through November 21, 2017. (*See* Section 3(a)(2)(E) [sic] below[14])
- *Bifurcated Funding Model.* The CAT NMS Plan requires a bifurcated funding model, where costs associated with building and operating the CAT would be borne by (1) Participants and Industry Members that are Execution Venues for Eligible Securities through fixed tier fees based on market share, and (2) Industry Members (other than alternative trading systems (''ATSs'') that execute transactions in Eligible Securities (''Execution Venue ATSs'')) through fixed tier fees based on message traffic for Eligible Securities. (*See* Section 3(a)(2) [sic] below)
- *Industry Member Fees.* Each Industry Member (other than Execution Venue ATSs) will be placed into one of nine tiers of fixed fees, based on ''message traffic'' in Eligible Securities for a defined period (as discussed below). Prior to the start of CAT reporting, ''message traffic'' will be comprised of historical equity and equity options orders, cancels and quotes provided by each exchange and FINRA over the previous three months. After an Industry Member begins reporting to the CAT, ''message traffic'' will be calculated based on the Industry

[3] Unless otherwise specified, capitalized terms used in this fee filing are defined as set forth herein, the CAT Compliance Rule Series or in the CAT NMS Plan.

[4] ISE Gemini, LLC, ISE Mercury, LLC and International Securities Exchange, LLC have been renamed Nasdaq GEMX, LLC, Nasdaq MRX, LLC, and Nasdaq ISE, LLC, respectively. *See* Securities Exchange Act Rel. No. 80248 (Mar. 15, 2017), 82 FR 14547 (Mar. 21, 2017); Securities Exchange Act Rel. No. 80326 (Mar. 29, 2017), 82 FR 16460 (Apr. 4, 2017); and Securities Exchange Act Rel. No. 80325 (Mar. 29, 2017), 82 FR 16445 (Apr. 4, 2017).

[5] National Stock Exchange, Inc. has been renamed NYSE National, Inc. *See* Securities Exchange Act Rel. No. 79902 (Jan. 30, 2017), 82 FR 9258 (Feb. 3, 2017).

[6] 15 U.S.C. 78k–1.

[7] 17 CFR 242.608.

[8] *See* Letter from the Participants to Brent J. Fields, Secretary, Commission, dated September 30, 2014; and Letter from Participants to Brent J. Fields, Secretary, Commission, dated February 27, 2015. On December 24, 2015, the Participants submitted an amendment to the CAT NMS Plan. *See* Letter from Participants to Brent J. Fields, Secretary, Commission, dated December 23, 2015.

[9] Securities Exchange Act Rel. No. 77724 (Apr. 27, 2016), 81 FR 30614 (May 17, 2016).

[10] Securities Exchange Act Rel. No. 79318 (Nov. 15, 2016), 81 FR 84696 (Nov. 23, 2016) (''Approval Order'').

[11] The Plan also serves as the limited liability company agreement for the Company.

[12] Section 11.1(b) of the CAT NMS Plan.

[13] *Id.*

[14] The Commission notes that references to Sections 3(a)(2) and 3(a)(3) in this Executive Summary should be instead to Sections II.A.1.(2) and II.A.1.(3), respectively.

Member's Reportable Events reported to the CAT. Industry Members with lower levels of message traffic will pay a lower fee and Industry Members with higher levels of message traffic will pay a higher fee. (*See* Section 3(a)(2)(B) [sic] below)

• *Execution Venue Fees.* Each Equity Execution Venue will be placed in one of two tiers of fixed fees based on market share, and each Options Execution Venue will be placed in one of two tiers of fixed fees based on market share. Equity Execution Venue market share will be determined by calculating each Equity Execution Venue's proportion of the total volume of NMS Stock and OTC Equity shares reported by all Equity Execution Venues during the relevant time period. Similarly, market share for Options Execution Venues will be determined by calculating each Options Execution Venue's proportion of the total volume of Listed Options contracts reported by all Options Execution Venues during the relevant time period. Equity Execution Venues with a larger market share will pay a larger CAT Fee than Equity Execution Venues with a smaller market share. Similarly, Options Execution Venues with a larger market share will pay a larger CAT Fee than Options Execution Venues with a smaller market share. (*See* Section 3(a)(2)(C) [sic] below)

• *Cost Allocation.* For the reasons discussed below, in designing the model, the Operating Committee determined that 75 percent of total costs recovered would be allocated to Industry Members (other than Execution Venue ATSs) and 25 percent would be allocated to Execution Venues. In addition, the Operating Committee determined to allocate 75 percent of Execution Venue costs recovered to Equity Execution Venues and 25 percent to Options Execution Venues. (*See* Section 3(a)(2)(D) [sic] below)

• *Comparability of Fees.* The CAT funding model requires that the CAT Fees charged to the CAT Reporters with the most CAT-related activity (measured by market share and/or message traffic, as applicable) are generally comparable (where, for these comparability purposes, the tiered fee structure takes into consideration affiliations between or among CAT Reporters, whether Execution Venues and/or Industry Members). (*See* Section 3(a)(2)(F) [sic] below)

(B) CAT Fees for Industry Members

• *Fee Schedule.* The quarterly CAT Fees for each tier for Industry Members are set forth in the two fee schedules in the Consolidated Audit Trail Funding Fees, one for Equity ATSs and one for Industry Members other than Equity ATSs. (*See* Section 3(a)(3)(B) [sic] below)

• *Quarterly Invoices.* Industry Members will be billed quarterly for CAT Fees, with the invoices payable within 30 days. The quarterly invoices will identify within which tier the Industry Member falls. (*See* Section 3(a)(3)(C) [sic] below)

• *Centralized Payment.* Each Industry Member will receive from the Company one invoice for its applicable CAT Fees, not separate invoices from each Participant of which it is a member. The Industry Members will pay its CAT Fees to the Company via the centralized system for the collection of CAT Fees established by the Operating Committee. (*See* Section 3(a)(3)(C) [sic] below)

• *Billing Commencement.* Industry Members will begin to receive invoices for CAT Fees as promptly as possible following the establishment of a billing mechanism. The Exchange will issue a Regulatory Circular to its members when the billing mechanism is established, specifying the date when such invoicing of Industry Members will commence. (*See* Section 3(a)(2)(G) [sic] below)

(2) Description of the CAT Funding Model

Article XI of the CAT NMS Plan requires the Operating Committee to approve the operating budget, including projected costs of developing and operating the CAT for the upcoming year. As set forth in Article XI of the CAT NMS Plan, the CAT NMS Plan requires a bifurcated funding model, where costs associated with building and operating the Central Repository would be borne by (1) Participants and Industry Members that are Execution Venues through fixed tier fees based on market share, and (2) Industry Members (other than Execution Venue ATSs) through fixed tier fees based on message traffic. In its order approving the CAT NMS Plan, the Commission determined that the proposed funding model was ''reasonable'' [15] and ''reflects a reasonable exercise of the Participants' funding authority to recover the Participants' costs related to the CAT.'' [16]

More specifically, the Commission stated in approving the CAT NMS Plan that ''[t]he Commission believes that the proposed funding model is reasonably designed to allocate the costs of the CAT between the Participants and Industry Members.'' [17] The Commission further noted the following:

The Commission believes that the proposed funding model reflects a reasonable exercise of the Participants' funding authority to recover the Participants' costs related to the CAT. The CAT is a regulatory facility jointly owned by the Participants and . . . the Exchange Act specifically permits the Participants to charge their members fees to fund their self-regulatory obligations. The Commission further believes that the proposed funding model is designed to impose fees reasonably related to the Participants' self-regulatory obligations because the fees would be directly associated with the costs of establishing and maintaining the CAT, and not unrelated SRO services.[18]

Accordingly, the funding model imposes fees on both Participants and Industry Members.

In addition, as discussed in Appendix C of the CAT NMS Plan, the Operating Committee considered the advantages and disadvantages of a variety of alternative funding and cost allocation models before selecting the proposed model.[19] After analyzing the various alternatives, the Operating Committee determined that the proposed tiered, fixed fee funding model provides a variety of advantages in comparison to the alternatives. First, the fixed fee model, as opposed to a variable fee model, provides transparency, ease of calculation, ease of billing and other administrative functions, and predictability of a fixed fee. Such factors are crucial to estimating a reliable revenue stream for the Company and for permitting CAT Reporters to reasonably predict their payment obligations for budgeting purposes.[20] Additionally, a strictly variable or metered funding model based on message volume would be far more likely to affect market behavior and place an inappropriate burden on competition. Moreover, as the SEC noted in approving the CAT NMS Plan, ''[t]he Participants also have offered a reasonable basis for establishing a funding model based on

[15] Approval Order at 84796.

[16] *Id.* at 84794.

[17] *Id.* at 84795.

[18] *Id.* at 84794.

[19] Section B.7, Appendix C of the CAT NMS Plan, Approval Order at 85006.

[20] In choosing a tiered fee structure, the Participants concluded that the variety of benefits offered by a tiered fee structure, discussed above, outweighed the fact that Industry Members in any particular tier would pay different rates per message traffic order event (*e.g.,* an Industry Member with the largest amount of message traffic in one tier would pay a smaller amount per order event than an Industry Member in the same tier with the least amount of message traffic). Such variation is the natural result of a tiered fee structure.

broad tiers, in that it be may be easier to implement.'' [21]

In addition, multiple reviews of current broker-dealer order and trading data submitted under existing reporting requirements showed a wide range in activity among broker-dealers, with a number of broker-dealers submitting fewer than 1,000 orders per month and other broker-dealers submitting millions and even billions of orders in the same period. Accordingly, the CAT NMS Plan includes a tiered approach to fees. The tiered approach helps ensure that fees are equitably allocated among similarly situated CAT Reporters and furthers the goal of lessening the impact on smaller firms.[22] The self-regulatory organizations considered several approaches to developing a tiered model, including defining fee tiers based on such factors as size of firm, message traffic or trading dollar volume. After analyzing the alternatives, it was concluded that the tiering should be based on the relative impact of CAT Reporters on the CAT System.

Accordingly, the CAT NMS Plan contemplates that costs will be allocated across the CAT Reporters on a tiered basis to allocate costs to those CAT Reporters that contribute more to the costs of creating, implementing and maintaining the CAT.[23] The fees to be assessed at each tier are calculated so as to recoup a proportion of costs appropriate to the message traffic or market share (as applicable) from CAT Reporters in each tier. Therefore, Industry Members generating the most message traffic will be in the higher tiers, and therefore be charged a higher fee. Industry Members with lower levels of message traffic will be in lower tiers and will be assessed a smaller fee for the CAT.[24] Correspondingly, Execution Venues with the highest market share will be in the top tier, and therefore will be charged a higher fee. Execution Venues with a lower market share will be in the lower tier and will be assessed a smaller fee for the CAT.[25]

The Commission also noted in approving the CAT NMS Plan that ''[t]he Participants have offered a credible justification for using different criteria to charge Execution Venues (market share) and Industry Members (message traffic)'' [26] in the CAT funding model. While there are multiple factors that contribute to the cost of building, maintaining and using the CAT, processing and storage of incoming message traffic is one of the most significant cost drivers for the CAT.[27] Thus, the CAT NMS Plan provides that the fees payable by Industry Members (other than Execution Venue ATSs) will be based on the message traffic generated by such Industry Member.[28]

The CAT NMS Plan provides that the Operating Committee will use different criteria to establish fees for Execution Venues and non-Execution Venues due to the fundamental differences between the two types of entities. In particular, the CAT NMS Plan provides that fees charged to CAT Reporters that are Execution Venues will be based on the level of market share and that costs charged to Industry Members (other than Execution Venue ATSs) will be based upon message traffic.[29] Because most Participant message traffic consists of quotations, and Participants usually disseminate quotations in all instruments they trade, regardless of execution volume, Execution Venues that are Participants generally disseminate similar amounts of message traffic. Accordingly, basing fees for Execution Venues on message traffic would not provide the same degree of differentiation among Execution Venues that it does among Industry Members (other than Execution Venue ATSs). In contrast, execution volume more accurately delineates the different levels of trading activity of Execution Venues.[30]

The CAT NMS Plan's funding model also is structured to avoid a ''reduction in market quality.'' [31] The tiered, fixed fee funding model is designed to limit the disincentives to providing liquidity to the market. For example, the Participants expect that a firm that had a large volume of quotes would likely be categorized in one of the upper tiers, and would not be assessed a fee for this traffic directly as they would under a more directly metered model. In contrast, strictly variable or metered funding models based on message volume were far more likely to affect market behavior. In approving the CAT NMS Plan, the SEC stated that ''[t]he Participants also offered a reasonable basis for establishing a funding model based on broad tiers, in that it may be . . . less likely to have an incremental deterrent effect on liquidity provision.'' [32]

The CAT NMS Plan is structured to avoid potential conflicts raised by the Operating Committee determining fees applicable to its own members—the Participants. First, the Company will be operated on a ''break-even'' basis, with fees imposed to cover costs and an appropriate reserve. Any surpluses will be treated as an operational reserve to offset future fees and will not be distributed to the Participants as profits.[33] To ensure that the Participants' operation of the CAT will not contribute to the funding of their other operations, Section 11.1(c) of the CAT NMS Plan specifically states that ''[a]ny surplus of the Company's revenues over its expenses shall be treated as an operational reserve to offset future fees.'' In addition, as set forth in Article VIII of the CAT NMS Plan, the Company ''intends to operate in a manner such that it qualifies as a 'business league' within the meaning of Section 501(c)(6) of the [Internal Revenue] Code.'' To qualify as a business league, an organization must ''not [be] organized for profit and no part of the net earnings of [the organization can] inure[] to the benefit of any private shareholder or individual.'' [34] As the SEC stated when approving the CAT NMS Plan, ''the Commission believes that the Company's application for Section 501(c)(6) business league status addresses issues raised by commenters about the Plan's proposed allocation of profit and loss by mitigating concerns that the Company's earnings could be used to benefit individual Participants.'' [35]

Finally, by adopting a CAT-specific fee, the Participants will be fully transparent regarding the costs of the CAT. Charging a general regulatory fee, which would be used to cover CAT costs as well as other regulatory costs, would be less transparent than the selected approach of charging a fee designated to cover CAT costs only.

A full description of the funding model is set forth below. This description includes the framework for the funding model as set forth in the CAT NMS Plan, as well as the details as to how the funding model will be applied in practice, including the number of fee tiers and the applicable fees for each tier. The Exchange notes that the complete funding model is described below, including those fees

[21] Approval Order at 84796.

[22] Section B.7, Appendix C of the CAT NMS Plan, Approval Order at 85006.

[23] Approval Order at 85005.

[24] *Id.*

[25] *Id.*

[26] *Id.* at 84796.

[27] Section B.7, Appendix C of the CAT NMS Plan, Approval Order at 85005.

[28] Section 11.3(b) of the CAT NMS Plan.

[29] Section 11.2(c) of the CAT NMS Plan.

[30] Section B.7, Appendix C of the CAT NMS Plan, Approval Order at 85005.

[31] Section 11.2(e) of the CAT NMS Plan.

[32] Approval Order at 84796.

[33] *Id.* at 84792.

[34] 26 U.S.C. 501(c)(6).

[35] Approval Order at 84793.

that are to be paid by the Participants. The proposed Consolidated Audit Trail Funding Fees, however, do not apply to the Participants; the proposed Consolidated Audit Trail Funding Fees only apply to Industry Members. The CAT fees for Participants will be imposed separately by the Operating Committee pursuant to the CAT NMS Plan.

(A) Funding Principles

Section 11.2 of the CAT NMS Plan sets forth the principles that the Operating Committee applied in establishing the funding for the Company. The Operating Committee has considered these funding principles as well as the other funding requirements set forth in the CAT NMS Plan and in Rule 613 in developing the proposed funding model. The following are the funding principles in Section 11.2 of the CAT NMS Plan:

- To create transparent, predictable revenue streams for the Company that are aligned with the anticipated costs to build, operate and administer the CAT and other costs of the Company;
- To establish an allocation of the Company's related costs among Participants and Industry Members that is consistent with the Exchange Act, taking into account the timeline for implementation of the CAT and distinctions in the securities trading operations of Participants and Industry Members and their relative impact upon the Company's resources and operations;
- To establish a tiered fee structure in which the fees charged to: (i) CAT Reporters that are Execution Venues, including ATSs, are based upon the level of market share; (ii) Industry Members' non-ATS activities are based upon message traffic; (iii) the CAT Reporters with the most CAT-related activity (measured by market share and/or message traffic, as applicable) are generally comparable (where, for these comparability purposes, the tiered fee structure takes into consideration affiliations between or among CAT Reporters, whether Execution Venue and/or Industry Members);
- To provide for ease of billing and other administrative functions;
- To avoid any disincentives such as placing an inappropriate burden on competition and a reduction in market quality; and
- To build financial stability to support the Company as a going concern.

(B) Industry Member Tiering

Under Section 11.3(b) of the CAT NMS Plan, the Operating Committee is required to establish fixed fees to be payable by Industry Members, based on message traffic generated by such Industry Member, with the Operating Committee establishing at least five and no more than nine tiers.

The CAT NMS Plan clarifies that the fixed fees payable by Industry Members pursuant to Section 11.3(b) shall, in addition to any other applicable message traffic, include message traffic generated by: (i) An ATS that does not execute orders that is sponsored by such Industry Member; and (ii) routing orders to and from any ATS sponsored by such Industry Member. In addition, the Industry Member fees will apply to Industry Members that act as routing broker-dealers for exchanges. The Industry Member fees will not be applicable, however, to an ATS that qualifies as an Execution Venue, as discussed in more detail in the section on Execution Venue tiering.

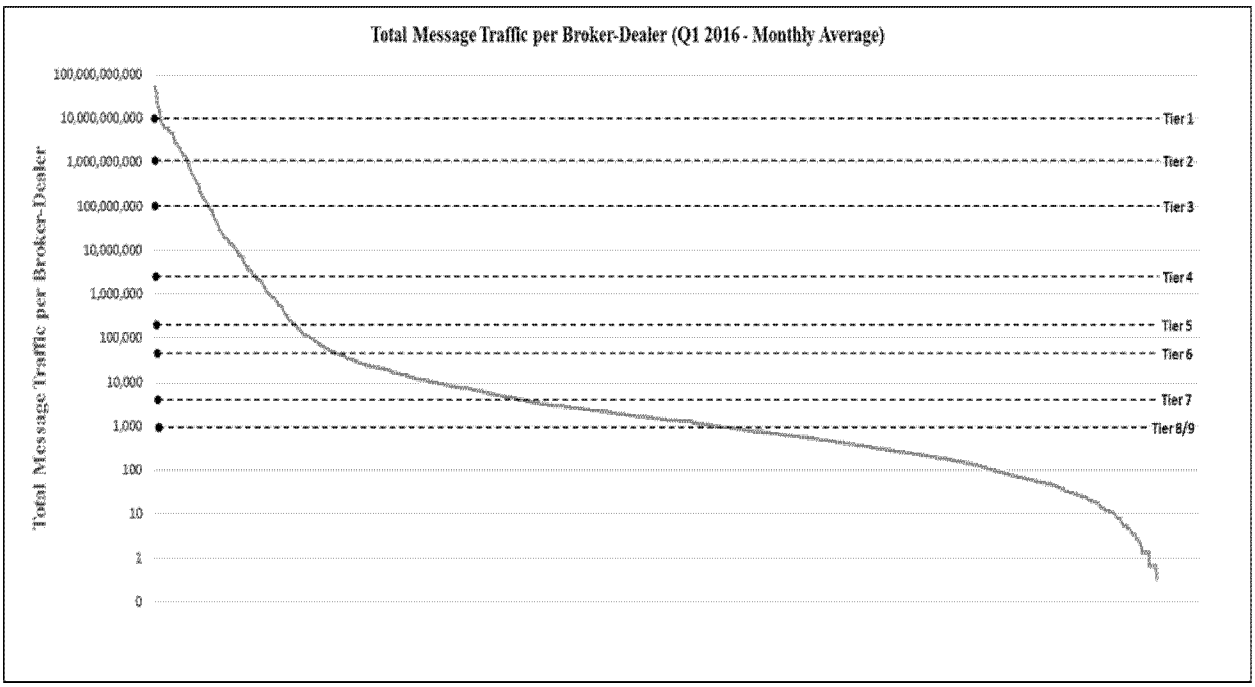
In accordance with Section 11.3(b), the Operating Committee approved a tiered fee structure for Industry Members (other than Execution Venue ATSs) as described in this section. In determining the tiers, the Operating Committee considered the funding principles set forth in Section 11.2 of the CAT NMS Plan, seeking to create funding tiers that take into account the relative impact on CAT System resources of different Industry Members, and that establish comparable fees among the CAT Reporters with the most Reportable Events. The Operating Committee has determined that establishing nine tiers results in the fairest allocation of fees, best distinguishing between Industry Members with differing levels of message traffic. Thus, each such Industry Member will be placed into one of nine tiers of fixed fees, based on ''message traffic'' for a defined period (as discussed below). A nine tier structure was selected to provide the widest range of levels for tiering Industry Members such that Industry Members submitting significantly less message traffic to the CAT would be adequately differentiated from Industry Members submitting substantially more message traffic. The Operating Committee considered historical message traffic generated by Industry Members across all exchanges and as submitted to FINRA's Order Audit Trail System (''OATS''), and considered the distribution of firms with similar levels of message traffic, grouping together firms with similar levels of message traffic. Based on this, the Operating Committee determined that nine tiers would best group firms with similar levels of message traffic, charging those firms with higher impact on the CAT more, while lowering the burden of Industry Members that have less CAT-related activity.

Each Industry Member (other than Execution Venue ATSs) will be ranked by message traffic and tiered by predefined Industry Member percentages (the ''Industry Member Percentages''). The Operating Committee determined to use predefined percentages rather than fixed volume thresholds to allow the funding model to ensure that the total CAT fees collected recover the intended CAT costs regardless of changes in the total level of message traffic. To determine the fixed percentage of Industry Members in each tier, the Operating Committee analyzed historical message traffic generated by Industry Members across all exchanges and as submitted to OATS, and considered the distribution of firms with similar levels of message traffic, grouping together firms with similar levels of message traffic. Based on this, the Operating Committee identified tiers that would group firms with similar levels of message traffic, charging those firms with higher impact on the CAT more, while lowering the burden on Industry Members that have less CAT-related activity.

The percentage of costs recovered by each Industry Member tier will be determined by predefined percentage allocations (the ''Industry Member Recovery Allocation''). In determining the fixed percentage allocation of costs recovered for each tier, the Operating Committee considered the impact of CAT Reporter message traffic on the CAT System as well as the distribution of total message volume across Industry Members while seeking to maintain comparable fees among the largest CAT Reporters. Accordingly, following the determination of the percentage of Industry Members in each tier, the Operating Committee identified the percentage of total market volume for each tier based on the historical message traffic upon which Industry Members had been initially ranked. Taking this into account along with the resulting percentage of total recovery, the percentage allocation of costs recovered for each tier were assigned, allocating higher percentages of recovery to tiers with higher levels of message traffic while avoiding any inappropriate burden on competition. Furthermore, by using percentages of Industry Members and costs recovered per tier, the Operating Committee sought to include stability and elasticity within the funding model, allowing the funding model to respond to changes in either

the total number of Industry Members or the total level of message traffic.

The following chart illustrates the breakdown of nine Industry Member tiers across the monthly average of total equity and equity options orders, cancels and quotes in Q1 2016 and identifies relative gaps across varying levels of Industry Member message traffic as well as message traffic thresholds between the largest of Industry Member message traffic gaps. The Operating Committee referenced similar distribution illustrations to determine the appropriate division of Industry Member percentages in each tier by considering the grouping of firms with similar levels of message traffic and seeking to identify relative breakpoints in the message traffic between such groupings. In reviewing the chart and its corresponding table, note that while these distribution illustrations were referenced to help differentiate between Industry Member tiers, the proposed funding model is directly driven, not by fixed message traffic thresholds, but rather by fixed percentages of Industry Members across tiers to account for fluctuating levels of message traffic across time and to provide for the financial stability of the CAT by ensuring that the funding model will recover the required amounts regardless of changes in the number of Industry Members or the amount of message traffic. Actual messages in any tier will vary based on the actual traffic in a given measurement period, as well as the number of firms included in the measurement period. The Industry Member Percentages and Industry Member Recovery Allocation for each tier will remain fixed with each Industry Member's tier to be reassigned periodically, as described below in Section 3(a)(1)(H) [sic].



Industry member tier	Monthly average message traffic per industry member (orders, quotes and cancels)
Tier 1	>10,000,000,000
Tier 2	>1,000,000,000
Tier 3	>100,000,000
Tier 4	>2,500,000
Tier 5	>200,000
Tier 6	>50,000
Tier 7	>5,000
Tier 8	>1,000
Tier 9	≤1,000

Based on the above analysis, the Operating Committee approved the following Industry Member Percentages and Recovery Allocations:

Industry member tier	Percentage of industry members	Percentage of industry member recovery	Percentage of total recovery
Tier 1	0.500	8.50	6.38
Tier 2	2.500	35.00	26.25
Tier 3	2.125	21.25	15.94
Tier 4	4.625	15.75	11.81
Tier 5	3.625	7.75	5.81
Tier 6	4.000	5.25	3.94
Tier 7	17.500	4.50	3.38
Tier 8	20.125	1.50	1.13
Tier 9	45.000	0.50	0.38

Industry member tier	Percentage of industry members	Percentage of industry member recovery	Percentage of total recovery
Total	100	100	75

For the purposes of creating these tiers based on message traffic, the Operating Committee determined to define the term ''message traffic'' separately for the period before the commencement of CAT reporting and for the period after the start of CAT reporting. The different definition for message traffic is necessary as there will be no Reportable Events as defined in the Plan, prior to the commencement of CAT reporting. Accordingly, prior to the start of CAT reporting, ''message traffic'' will be comprised of historical equity and equity options orders, cancels and quotes provided by each exchange and FINRA over the previous three months.[36] Prior to the start of CAT reporting, orders would be comprised of the total number of equity and equity options orders received and originated by a member of an exchange or FINRA over the previous three-month period, including principal orders, cancel/replace orders, market maker orders originated by a member of an exchange, and reserve (iceberg) orders as well as order routes and executions originated by a member of FINRA, and excluding order rejects and implied orders.[37] In addition, prior to the start of CAT reporting, cancels would be comprised of the total number of equity and equity option cancels received and originated by a member of an exchange or FINRA over a three-month period, excluding order modifications (*e.g.,* order updates, order splits, partial cancels). Furthermore, prior to the start of CAT reporting, quotes would be comprised of information readily available to the exchanges and FINRA, such as the total number of historical equity and equity options quotes received and originated by a member of an exchange or FINRA over the prior three-month period.

After an Industry Member begins reporting to the CAT, ''message traffic'' will be calculated based on the Industry Member's Reportable Events reported to the CAT as will be defined in the Technical Specifications.[38]

The Operating Committee has determined to calculate fee tiers every three months, on a calendar quarter basis, based on message traffic from the prior three months. Based on its analysis of historical data, the Operating Committee believes that calculating tiers based on three months of data will provide the best balance between reflecting changes in activity by Industry Members while still providing predictability in the tiering for Industry Members. Because fee tiers will be calculated based on message traffic from the prior three months, the Operating Committee will begin calculating message traffic based on an Industry Member's Reportable Events reported to the CAT once the Industry Member has been reporting to the CAT for three months. Prior to that, fee tiers will be calculated as discussed above with regard to the period prior to CAT reporting.

(C) Execution Venue Tiering

Under Section 11.3(a) of the CAT NMS Plan, the Operating Committee is required to establish fixed fees payable by Execution Venues. Section 1.1 of the CAT NMS Plan defines an Execution Venue as ''a Participant or an alternative trading system (''ATS'') (as defined in Rule 300 of Regulation ATS) that operates pursuant to Rule 301 of Regulation ATS (excluding any such ATS that does not execute orders).''[39]

The Participants determined that ATSs should be included within the definition of Execution Venue. Given the similarity between the activity of exchanges and ATSs, both of which meet the definition of an ''exchange'' as set forth in the Exchange Act and the fact that the similar trading models would have similar anticipated burdens on the CAT, the Participants determined that ATSs should be treated in the same manner as the exchanges for the purposes of determining the level of fees associated with the CAT.[40]

Given the differences between Execution Venues that trade NMS Stocks and/or OTC Equity Securities and Execution Venues that trade Listed Options, Section 11.3(a) addresses Execution Venues that trade NMS Stocks and/or OTC Equity Securities separately from Execution Venues that trade Listed Options. Equity and Options Execution Venues are treated separately for two reasons. First, the differing quoting behavior of Equity and Options Execution Venues makes comparison of activity between Execution Venues difficult. Second, Execution Venue tiers are calculated based on market share of share volume, and it is therefore difficult to compare market share between asset classes (*i.e.,* equity shares versus options contracts). Discussed below is how the funding model treats the two types of Execution Venues.

(I) NMS Stocks and OTC Equity Securities

Section 11.3(a)(i) of the CAT NMS Plan states that each Execution Venue that (i) executes transactions or, (ii) in the case of a national securities association, has trades reported by its members to its trade reporting facility or facilities for reporting transactions effected otherwise than on an exchange, in NMS Stocks or OTC Equity Securities will pay a fixed fee depending on the market share of that Execution Venue in NMS Stocks and OTC Equity Securities, with the Operating Committee establishing at least two and not more than five tiers of fixed fees, based on an Execution Venue's NMS Stocks and OTC Equity Securities market share. For these purposes, market share for Execution Venues that execute transactions will be calculated by share volume, and market share for a national securities association that has trades reported by its members to its trade reporting facility or facilities for reporting transactions effected otherwise than on an exchange in NMS

[36] The SEC approved exemptive relief permitting Options Market Maker quotes to be reported to the Central Repository by the relevant Options Exchange in lieu of requiring that such reporting be done by both the Options Exchange and the Options Market Maker, as required by Rule 613 of Regulation NMS. *See* Securities Exchange Act Release No. 77265 (Mar. 1, 2017 [sic], 81 FR 11856 (Mar. 7, 2016). This exemption applies to Options Market Maker quotes for CAT reporting purposes only. Therefore, notwithstanding the reporting exemption provided for Options Market Maker quotes, Options Market Maker quotes will be included in the calculation of total message traffic for Options Market Makers for purposes of tiering under the CAT funding model both prior to CAT reporting and once CAT reporting commences.

[37] Consequently, firms that do not have ''message traffic'' reported to an exchange or OATS before they are reporting to the CAT would not be subject to a fee until they begin to report information to CAT.

[38] If an Industry Member (other than an Execution Venue ATS) has no orders, cancels or quotes prior to the commencement of CAT Reporting, or no Reportable Events after CAT reporting commences, then the Industry Member would not have a CAT fee obligation.

[39] Although FINRA does not operate an execution venue, because it is a Participant, it is considered an ''Execution Venue'' under the Plan for purposes of determining fees.

[40] Section B.7, Appendix C of the CAT NMS Plan, Approval Order at 85005.

Stocks or OTC Equity Securities will be calculated based on share volume of trades reported, provided, however, that the share volume reported to such national securities association by an Execution Venue shall not be included in the calculation of such national security association's market share.

In accordance with Section 11.3(a)(i) of the CAT NMS Plan, the Operating Committee approved a tiered fee structure for Equity Execution Venues and Option Execution Venues. In determining the Equity Execution Venue Tiers, the Operating Committee considered the funding principles set forth in Section 11.2 of the CAT NMS Plan, seeking to create funding tiers that take into account the relative impact on system resources of different Equity Execution Venues, and that establish comparable fees among the CAT Reporters with the most Reportable Events. Each Equity Execution Venue will be placed into one of two tiers of fixed fees, based on the Execution Venue's NMS Stocks and OTC Equity Securities market share. In choosing two tiers, the Operating Committee performed an analysis similar to that discussed above with regard to the non-Execution Venue Industry Members to determine the number of tiers for Equity Execution Venues. The Operating Committee determined to establish two tiers for Equity Execution Venues, rather than a larger number of tiers as established for non-Execution Venue Industry Members, because the two tiers were sufficient to distinguish between the smaller number of Equity Execution Venues based on market share. Furthermore, the incorporation of additional Equity Execution Venue tiers would result in significantly higher fees for Tier 1 Equity Execution Venues and diminish comparability between Execution Venues and Industry Members.

Each Equity Execution Venue will be ranked by market share and tiered by predefined Execution Venue percentages, (the ''Equity Execution Venue Percentages''). In determining the fixed percentage of Equity Execution Venues in each tier, the Operating Committee looked at historical market share of share volume for execution venues. Equities Execution Venue market share of share volume were sourced from market statistics made publicly-available by Bats Global Markets, Inc. (''Bats''). ATS market share of share volume was sourced from market statistics made publicly-available by FINRA. FINRA trading [sic] reporting facility (''TRF'') market share of share volume was sourced from market statistics made publicly available by Bats. As indicated by FINRA, ATSs accounted for 37.80% of the share volume across the TRFs during the recent tiering period. A 37.80/62.20 split was applied to the ATS and non-ATS breakdown of FINRA market share, with FINRA tiered based only on the non-ATS portion of its TRF market share of share volume.

Based on this, the Operating Committee considered the distribution of Execution Venues, and grouped together Execution Venues with similar levels of market share of share volume. In doing so, the Participants considered that, as previously noted, Execution Venues in many cases have similar levels of message traffic due to quoting activity, and determined that it was simpler and more appropriate to have fewer, rather than more, Execution Venue tiers to distinguish between Execution Venues.

The percentage of costs recovered by each Equity Execution Venue tier will be determined by predefined percentage allocations (the ''Equity Execution Venue Recovery Allocation''). In determining the fixed percentage allocation of costs recovered for each tier, the Operating Committee considered the impact of CAT Reporter market share activity on the CAT System as well as the distribution of total market volume across Equity Execution Venues while seeking to maintain comparable fees among the largest CAT Reporters. Accordingly, following the determination of the percentage of Execution Venues in each tier, the Operating Committee identified the percentage of total market volume for each tier based on the historical market share upon which Execution Venues had been initially ranked. Taking this into account along with the resulting percentage of total recovery, the percentage allocation of costs recovered for each tier were assigned, allocating higher percentages of recovery to the tier with a higher level of market share while avoiding any inappropriate burden on competition. Furthermore, due to the similar levels of impact on the CAT System across Execution Venues, there is less variation in CAT Fees between the highest and lowest of tiers for Execution Venues. Furthermore, by using percentages of Equity Execution Venues and costs recovered per tier, the Operating Committee sought to include stability and elasticity within the funding model, allowing the funding model to respond to changes in either the total number of Equity Execution Venues or changes in market share.

Based on this analysis, the Operating Committee approved the following Equity Execution Venue Percentages and Recovery Allocations:

Equity execution venue tier	Percentage of equity execution venues	Percentage of execution venue recovery	Percentage of total recovery
Tier 1	25.00	26.00	6.50
Tier 2	75.00	49.00	12.25
Total	100	75	18.75

The following table exhibits the relative separation of market share of share volume between Tier 1 and Tier 2 Equity Execution Venues. In reviewing the table, note that while this division was referenced as a data point to help differentiate between Equity Execution Venue tiers, the proposed funding model is directly driven not by market share thresholds, but rather by fixed percentages of Equity Execution Venues across tiers to account for fluctuating levels of market share across time. Actual market share in any tier will vary based on the actual market activity in a given measurement period, as well as the number of Equity Execution Venues included in the measurement period. The Equity Execution Venue Percentages and Equity Execution Venue Recovery Allocation for each tier will remain fixed with each Equity Execution Venue tier to be reassigned periodically, as described below in Section 3(a)(1)(I) [sic].

Equity execution venue tier	Equity market share of share volume (%)
Tier 1	≥1
Tier 2	<1

(II) Listed Options

Section 11.3(a)(ii) of the CAT NMS Plan states that each Execution Venue that executes transactions in Listed Options will pay a fixed fee depending on the Listed Options market share of that Execution Venue, with the Operating Committee establishing at least two and no more than five tiers of fixed fees, based on an Execution Venue's Listed Options market share. For these purposes, market share will be calculated by contract volume.

In accordance with Section 11.3(a)(ii) of the CAT NMS Plan, the Operating Committee approved a tiered fee structure for Options Execution Venues. In determining the tiers, the Operating Committee considered the funding principles set forth in Section 11.2 of the CAT NMS Plan, seeking to create funding tiers that take into account the relative impact on system resources of different Options Execution Venues, and that establish comparable fees among the CAT Reporters with the most Reportable Events. Each Options Execution Venue will be placed into one of two tiers of fixed fees, based on the Execution Venue's Listed Options market share. In choosing two tiers, the Operating Committee performed an analysis similar to that discussed above with regard to Industry Members (other than Execution Venue ATSs) to determine the number of tiers for Options Execution Venues. The Operating Committee determined to establish two tiers for Options Execution Venues, rather than a larger number of tiers as established for Industry Members (other than Execution Venue ATSs), because the two tiers were sufficient to distinguish between the smaller number of Options Execution Venues based on market share. Furthermore, due to the smaller number of Options Execution Venues, the incorporation of additional Options Execution Venue tiers would result in significantly higher fees for Tier 1 Options Execution Venues and reduce comparability between Execution Venues and Industry Members.

Each Options Execution Venue will be ranked by market share and tiered by predefined Execution Venue percentages, (the ''Options Execution Venue Percentages''). To determine the fixed percentage of Options Execution Venues in each tier, the Operating Committee analyzed the historical and publicly available market share of Options Execution Venues to group Options Execution Venues with similar market shares across the tiers. Options Execution Venue market share of share volume were sourced from market statistics made publicly-available by Bats. The process for developing the Options Execution Venue Percentages was the same as discussed above with regard to Equity Execution Venues.

The percentage of costs recovered by each Options Execution Venue tier will be determined by predefined percentage allocations (the ''Options Execution Venue Recovery Allocation''). In determining the fixed percentage allocation of costs recovered for each tier, the Operating Committee considered the impact of CAT Reporter market share activity on the CAT System as well as the distribution of total market volume across Options Execution Venues while seeking to maintain comparable fees among the largest CAT Reporters. Furthermore, by using percentages of Options Execution Venues and costs recovered per tier, the Operating Committee sought to include stability and elasticity within the funding model, allowing the funding model to respond to changes in either the total number of Options Execution Venues or changes in market share. The process for developing the Options Execution Venue Recovery Allocation was the same as discussed above with regard to Equity Execution Venues.

Based on this analysis, the Operating Committee approved the following Options Execution Venue Percentages and Recovery Allocations:

Options execution venue tier	Percentage of options execution venues	Percentage of execution venue recovery	Percentage of total recovery
Tier 1	75.00	20.00	5.00
Tier 2	25.00	5.00	1.25
Total	100	25	6.25

The following table exhibits the relative separation of market share of share volume between Tier 1 and Tier 2 Options Execution Venues. In reviewing the table, note that while this division was referenced as a data point to help differentiate between Options Execution Venue tiers, the proposed funding model is directly driven, not by market share thresholds, but rather by fixed percentages of Options Execution Venues across tiers to account for fluctuating levels of market share across time. Actual market share in any tier will vary based on the actual market activity in a given measurement period, as well as the number of Options Execution Venues included in the measurement period. The Options Execution Venue Percentages and Equity Execution Venue Recovery Allocation for each tier will remain fixed with each Options Execution Venue tier to be reassigned periodically, as described below in Section 3(a)(1)(I) [sic].

Options execution venue tier	Options market share of share volume (%)
Tier 1	≥1
Tier 2	<1

(III) Market Share/Tier Assignments

The Operating Committee determined that, prior to the start of CAT reporting, market share for Execution Venues would be sourced from publicly-available market data. Options and equity volumes for Participants will be sourced from market data made publicly available by Bats while Execution Venue ATS volumes will be sourced from market data made publicly available by FINRA. Set forth in the Appendix are two charts, one listing the current Equity Execution Venues, each with its rank and tier, and one listing the current Options Execution Venues, each with its rank and tier.

After the commencement of CAT reporting, market share for Execution Venues will be sourced from data reported to the CAT. Equity Execution Venue market share will be determined by calculating each Equity Execution Venue's proportion of the total volume

of NMS Stock and OTC Equity shares reported by all Equity Execution Venues during the relevant time period. Similarly, market share for Options Execution Venues will be determined by calculating each Options Execution Venue's proportion of the total volume of Listed Options contracts reported by all Options Execution Venues during the relevant time period.

The Operating Committee has determined to calculate fee tiers for Execution Venues every three months based on market share from the prior three months. Based on its analysis of historical data, the Operating Committee believes calculating tiers based on three months of data will provide the best balance between reflecting changes in activity by Execution Venues while still providing predictability in the tiering for Execution Venues.

(D) Allocation of Costs

In addition to the funding principles discussed above, including comparability of fees, Section 11.1(c) of the CAT NMS Plan also requires expenses to be fairly and reasonably shared among the Participants and Industry Members. Accordingly, in developing the proposed fee schedules pursuant to the funding model, the Operating Committee calculated how the CAT costs would be allocated between Industry Members and Execution Venues, and how the portion of CAT costs allocated to Execution Venues would be allocated between Equity Execution Venues and Options Execution Venues. These determinations are described below.

(I) Allocation Between Industry Members and Execution Venues

In determining the cost allocation between Industry Members (other than Execution Venue ATSs) and Execution Venues, the Operating Committee analyzed a range of possible splits for revenue recovered from such Industry Members and Execution Venues. Based on this analysis, the Operating Committee determined that 75 percent of total costs recovered would be allocated to Industry Members (other than Execution Venue ATSs) and 25 percent would be allocated to Execution Venues. The Operating Committee determined that this 75/25 division maintained the greatest level of comparability across the funding model, keeping in view that comparability should consider affiliations among or between CAT Reporters (*e.g.,* firms with multiple Industry Members and/or exchange licenses). For example, the cost allocation establishes fees for the largest Industry Members (*i.e.,* those Industry Members in Tiers 1, 2 and 3) that are comparable to the largest Equity Execution Venues and Options Execution Venues (*i.e.,* those Execution Venues in Tier 1). In addition, the cost allocation establishes fees for Execution Venue complexes that are comparable to those of Industry Member complexes. For example, when analyzing alternative allocations, other possible allocations led to much higher fees for larger Industry Members than for larger Execution Venues or vice versa, and/or led to much higher fees for Industry Member complexes than Execution Venue complexes or vice versa.

Furthermore, the allocation of total CAT costs recovered recognizes the difference in the number of CAT Reporters that are Industry Members versus CAT Reporters that are Execution Venues. Specifically, the cost allocation takes into consideration that there are approximately 25 times more Industry Members expected to report to the CAT than Execution Venues (*e.g.,* an estimated 1,630 Industry Members versus 70 Execution Venues as of January 2017).

(II) Allocation Between Equity Execution Venues and Options Execution Venues

The Operating Committee also analyzed how the portion of CAT costs allocated to Execution Venues would be allocated between Equity Execution Venues and Options Execution Venues. In considering this allocation of costs, the Operating Committee analyzed a range of alternative splits for revenue recovered between Equity and Options Execution Venues, including a 70/30, 67/33, 65/35, 50/50 and 25/75 split. Based on this analysis, the Operating Committee determined to allocate 75 percent of Execution Venue costs recovered to Equity Execution Venues and 25 percent to Options Execution Venues. The Operating Committee determined that a 75/25 division between Equity and Options Execution Venues maintained elasticity across the funding model as well the greatest level of fee equitability and comparability based on the current number of Equity and Options Execution Venues. For example, the allocation establishes fees for the larger Equity Execution Venues that are comparable to the larger Options Execution Venues, and fees for the smaller Equity Execution Venues that are comparable to the smaller Options Execution Venues. In addition to fee comparability between Equity Execution Venues and Options Execution Venues, the allocation also establishes equitability between larger (Tier 1) and smaller (Tier 2) Execution Venues based upon the level of market share. Furthermore, the allocation is intended to reflect the relative levels of current equity and options order events.

(E) Fee Levels

The Operating Committee determined to establish a CAT-specific fee to collectively recover the costs of building and operating the CAT. Accordingly, under the funding model, the sum of the CAT Fees is designed to recover the total cost of the CAT. The Operating Committee has determined overall CAT costs to be comprised of Plan Processor costs and non-Plan Processor costs, which are estimated to be $50,700,000 in total for the year beginning November 21, 2016.[41]

The Plan Processor costs relate to costs incurred by the Plan Processor and consist of the Plan Processor's current estimates of average yearly ongoing costs, including development cost, which total $37,500,000. This amount is based upon the fees due to the Plan Processor pursuant to the agreement with the Plan Processor.

The non-Plan Processor estimated costs incurred and to be incurred by the Company through November 21, 2017 consist of three categories of costs. The first category of such costs are third party support costs, which include historic legal fees, consulting fees and audit fees from November 21, 2016 until the date of filing as well as estimated third party support costs for the rest of the year. These amount to an estimated $5,200,000. The second category of non-Plan Processor costs are estimated insurance costs for the year. Based on discussions with potential insurance providers, assuming $2–5 million insurance premium on $100 million in coverage, the Company has received an estimate of $3,000,000 for the annual cost. The final cost figures will be determined following receipt of final underwriter quotes. The third category of non-Plan Processor costs is the operational reserve, which is comprised of three months of ongoing Plan Processor costs ($9,375,000), third party support costs ($1,300,000) and insurance costs ($750,000). The Operating Committee aims to accumulate the necessary funds for the establishment of the three-month operating reserve for the Company through the CAT Fees charged to CAT Reporters for the year. On an ongoing basis, the Operating Committee will account for any potential need for the replenishment of the operating reserve

[41] It is anticipated that CAT-related costs incurred prior to November 21, 2016 will be addressed via a separate fee filing.

or other changes to total cost during its annual budgeting process. The following table summarizes the Plan Processor and non-Plan Processor cost components which comprise the total CAT costs of $50,700,000.

Cost category	Cost component	Amount
Plan Processor	Operational Costs	$37,500,000
Non-Plan Processor	Third Party Support Costs	5,200,000
	Operational Reserve	[42] 5,000,000
	Insurance Costs	3,000,000
Estimated Total		50,700,000

Based on the estimated costs and the calculations for the funding model described above, the Operating Committee determined to impose the following fees: [43]

For Industry Members (other than Execution Venue ATSs):

Tier	Monthly CAT fee	Quarterly CAT fee	CAT fees paid annually [44]
1	$33,668	$101,004	$404,016
2	27,051	81,153	324,612
3	19,239	57,717	230,868
4	6,655	19,965	79,860
5	4,163	12,489	49,956
6	2,560	7,680	30,720
7	501	1,503	6,012
8	145	435	1,740
9	22	66	264

For Execution Venues for NMS Stocks and OTC Equity Securities:

Tier	Monthly CAT fee	Quarterly CAT fee	CAT fees paid annually [45]
1	$21,125	$63,375	$253,500
2	12,940	38,820	155,280

For Execution Venues for Listed Options:

Tier	Monthly CAT fee	Quarterly CAT fee	CAT fees paid annually [46]
1	$19,205	$57,615	$230,460
2	13,204	39,612	158,448

As noted above, the fees set forth in the tables reflect the Operating Committee's decision to ensure comparable fees between Execution Venues and Industry Members. The fees of the top tiers for Industry Members (other than Execution Venue ATSs) are not identical to the top tier for Execution Venues, however, because the Operating Committee also determined that the fees for Execution Venue complexes should be comparable to those of Industry Member complexes. The difference in the fees reflects this decision to recognize affiliations.

The Operating Committee has calculated the schedule of effective fees for Industry Members (other than Execution Venue ATSs) and Execution Venues in the following manner. Note that the calculation of CAT Reporter fees assumes 53 Equity Execution Venues, 15 Options Execution Venues and 1,631 Industry Members (other than Execution Venue ATSs) as of January 2017.

[42] This $5,000,000 represents the gradual accumulation of the funds for a target operating reserve of $11,425,000.

[43] Note that all monthly, quarterly and annual CAT Fees have been rounded to the nearest dollar.

[44] This column represents the approximate total CAT Fees paid each year by each Industry Member (other than Execution Venue ATSs) (*i.e.,* ''CAT Fees Paid Annually'' = ''Monthly CAT Fee'' × 12 months).

[45] This column represents the approximate total CAT Fees paid each year by each Execution Venue for NMS Stocks and OTC Equity Securities (*i.e.,* ''CAT Fees Paid Annually'' = ''Monthly CAT Fee'' × 12 months).

[46] This column represents the approximate total CAT Fees paid each year by each Execution Venue for Listed Options (*i.e.,* ''CAT Fees Paid Annually'' = ''Monthly CAT Fee'' × 12 months).

CALCULATION OF ANNUAL TIER FEES FOR INDUSTRY MEMBERS

["IM"]

Industry member tier	Percentage of industry members	Percentage of industry member recovery	Percentage of total recovery
Tier 1	0.500	8.50	6.38
Tier 2	2.500	35.00	26.25
Tier 3	2.125	21.25	15.94
Tier 4	4.625	15.75	11.81
Tier 5	3.625	7.75	5.81
Tier 6	4.000	5.25	3.94
Tier 7	17.500	4.50	3.38
Tier 8	20.125	1.50	1.13
Tier 9	45.000	0.50	0.38
Total	100	100	75

Industry member tier	Estimated number of industry members
Tier 1	8
Tier 2	41
Tier 3	35
Tier 4	75
Tier 5	59
Tier 6	65
Tier 7	285
Tier 8	328
Tier 9	735
Total	1,631

Calculation 1.1 (Calculation of a Tier 1 Industry Member Monthly Fee)

$$1{,}631\ [\text{Estimated Tot. IMs}] \times 0.5\%\ [\%\ \text{of Tier 1 IMs}] = 8\ [\text{Estimated Tier 1 IMs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 75\%\ [\text{IM \% of Tot.Ann.CAT Costs}] \times 8.50\%\ [\ \%\ \text{of Tier 1 IM Recovery}]}{8\ [\text{Estimated Tier 1 IMs}]}\right) \div 12\ [\text{Months per year}] = \$\mathbf{33{,}668}$$

Calculation 1.2 (Calculation of a Tier 2 Industry Member Monthly Fee)

$$1{,}631\ [\text{Estimated Tot. IMs}] \times 2.5\%\ [\%\ \text{of Tier 2 IMs}] = 41\ [\text{Estimated Tier 2 IMs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 75\%\ [\text{IM \% of Tot.Ann.CAT Costs}] \times 35\%\ [\ \%\ \text{of Tier 2 IM Recovery}]}{41\ [\text{Estimated Tier 2 IMs}]}\right) \div 12\ [\text{Months per year}] = \$\mathbf{27{,}051}$$

Calculation 1.3 (Calculation of a Tier 3 Industry Member Monthly Fee)

$$1{,}631\ [\text{Estimated Tot. IMs}] \times 2.125\%\ [\%\ \text{of Tier 3 IMs}] = 35\ [\text{Estimated Tier 3 IMs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 75\%\ [\text{IM \% of Tot.Ann.CAT Costs}] \times 21.25\%\ [\ \%\ \text{of Tier 3 IM Recovery}]}{35\ [\text{Estimated Tier 3 IMs}]}\right) \div 12\ [\text{Months per year}] = \$\mathbf{19{,}239}$$

Calculation 1.4 (Calculation of a Tier 4 Industry Member Monthly Fee)

$$1{,}631\ [\text{Estimated Tot. IMs}] \times 4.625\%\ [\%\ \text{of Tier 4 IMs}] = 75\ [\text{Estimated Tier 4 IMs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 75\%\ [\text{IM \% of Tot.Ann.CAT Costs}] \times 15.75\%\ [\ \%\ \text{of Tier 4 IM Recovery}]}{75\ [\text{Estimated Tier 4 IMs}]}\right) \div 12\ [\text{Months per year}] = \$\mathbf{6{,}655}$$

Calculation 1.5 (Calculation of a Tier 5 Industry Member Annual Fee)

$$1{,}631\ [\text{Estimated Tot. IMs}] \times 3.625\%\ [\%\ \text{of Tier 5 IMs}] = 59\ [\text{Estimated Tier 5 IMs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 75\%\ [\text{IM \% of Tot.Ann.CAT Costs}] \times 7.75\%\ [\ \%\ \text{of Tier 5 IM Recovery}]}{59\ [\text{Estimated Tier 5 IMs}]}\right) \div 12\ [\text{Months per year}] = \$\mathbf{4{,}163}$$

Calculation 1.6 (Calculation of a Tier 6 Industry Member Monthly Fee)

$$1{,}631\ [\text{Estimated Tot. IMs}] \times 4\%\ [\%\ \text{of Tier 6 IMs}] = 65\ [\text{Estimated Tier 6 IMs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 75\%\ [\text{IM \% of Tot.Ann.CAT Costs}] \times 5.25\%\ [\ \%\ \text{of Tier 6 IM Recovery}]}{65\ [\text{Estimated Tier 6 IMs}]}\right) \div 12\ [\text{Months per year}] = \$\mathbf{2{,}560}$$

Calculation 1.7 (Calculation of a Tier 7 Industry Member Monthly Fee)

$$1{,}631\ [\text{Estimated Tot. IMs}] \times 17.5\%\ [\%\ \text{of Tier 7 IMs}] = 285\ [\text{Estimated Tier 7 IMs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 75\%\ [\text{IM \% of Tot.Ann.CAT Costs}] \times 4.50\%\ [\ \%\ \text{of Tier 7 IM Recovery}]}{285\ [\text{Estimated Tier 7 IMs}]}\right) \div 12\ [\text{Months per year}] = \$\mathbf{501}$$

Calculation 1.8 (Calculation of a Tier 8 Industry Member Monthly Fee)

$$1{,}631\ [\text{Estimated Tot. IMs}] \times 20.125\%\ [\%\ \text{of Tier 8 IMs}] = 328\ [\text{Estimated Tier 8 IMs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 75\%\ [\text{IM \% of Tot.Ann.CAT Costs}] \times 1.50\%\ [\ \%\ \text{of Tier 8 IM Recovery}]}{328\ [\text{Estimated Tier 8 IMs}]}\right) \div 12\ [\text{Months per year}] = \$\mathbf{145}$$

Calculation 1.9 (Calculation of a Tier 9 Industry Member Monthly Fee)

$$1{,}631\ [\text{Estimated Tot. IMs}] \times 45\%\ [\%\ \text{of Tier 9 IMs}] = 735\ [\text{Estimated Tier 9 IMs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 75\%\ [\text{IM \% of Tot.Ann.CAT Costs}] \times 0.50\%\ [\%\ \text{of Tier 9 IM Recovery}]}{735\ [\text{Est.Tier 9 IMs}]}\right) \div 12\ [\text{Months per year}] = \$\mathbf{22}$$

CALCULATION OF ANNUAL TIER FEES FOR EQUITY EXECUTION VENUES

["EV"]

Equity execution venue tier	Percentage of equity execution venues	Percentage of execution venue recovery	Percentage of total recovery
Tier 1	25.00	26.00	6.50
Tier 2	75.00	49.00	12.25
Total	100	75	18.75

Equity execution venue tier	Estimated number of equity execution venues
Tier 1	13
Tier 2	40
Total	53

Calculation 2.1 (Calculation of a Tier 1 Equity Execution Venue Monthly Fee)

$$52\ [\text{Estimated Tot. Equity EVs}]\ \times 25\%\ [\%\ \text{of Tier 1 Equity EVs}] = 13\ [\text{Estimated Tier 1 Equity EVs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot. Ann.CAT Costs}] \times 25\%\ [\text{EV \% of Tot.Ann.CAT Costs}] \times 26\%\ [\%\ \text{of Tier 1 Equity EV Recovery}]}{13\ [\text{Estimated Tier 1 Equity EVs}]}\right) \div 12\ [\text{Months per year}] = \mathbf{\$21{,}125}$$

Calculation 2.2 (Calculation of a Tier 2 Equity Execution Venue Monthly Fee)

$$52\ [\text{Estimated Tot. Equity EVs}]\ \times 75\%\ [\%\ \text{of Tier 2 Equity EVs}] = 40\ [\text{Estimated Tier 2 Equity EVs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot. Ann.CAT Costs}] \times 25\%\ [\text{EV \% of Tot.Ann.CAT Costs}] \times 49\%\ [\%\ \text{of Tier 2 Equity EV Recovery}]}{40\ [\text{Estimated Tier 2 Equity EVs}]}\right) \div 12\ [\text{Months per year}] = \mathbf{\$12{,}940}$$

CALCULATION OF ANNUAL TIER FEES FOR OPTIONS EXECUTION VENUES

["EV"]

Options execution venue tier	Percentage of options execution venues	Percentage of execution venue recovery	Percentage of total recovery
Tier 1	75.00	20.00	5.00
Tier 2	25.00	5.00	1.25
Total	100	25	6.25

Options execution venue tier	Estimated number of options execution venues
Tier 1	11
Tier 2	4
Total	15

Calculation 3.1 (Calculation of a Tier 1 Options Execution Venue Monthly Fee)

$$15\ [\text{Estimated Tot. Options EVs}]\ \times 75\%\ [\%\ \text{of Tier 1 Options EVs}] = 11\ [\text{Estimated Tier 1 Options EVs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 25\%\ [\text{EV \% of Tot.Ann.CAT Costs}] \times 20\%\ [\%\ \text{of Tier 1 Options EV Recovery}]}{11\ [\text{Estimated Tier 1 Options EVs}]}\right) \div 12\ [\text{Months per year}] = \mathbf{\$19{,}205}$$

Calculation 3.2 (Calculation of a Tier 2 Options Execution Venue Annual Fee)

$$15\ [\text{Estimated Tot. Options EVs}]\ \times 25\%\ [\%\ \text{of Tier 2 Options EVs}] = 4\ [\text{Estimated Tier 2 Options EVs}]$$

$$\left(\frac{\$50{,}700{,}000\ [\text{Tot.Ann.CAT Costs}] \times 25\%\ [\text{EV \% of Tot.Ann.CAT Costs}] \times 5\%\ [\%\ \text{of Tier 2 Options EV Recovery}]}{4\ [\text{Estimated Tier 2 Options EVs}]}\right) \div 12\ [\text{Months per year}] = \mathbf{\$13{,}204}$$

TRACEABILITY OF TOTAL CAT FEES

Type	Industry member tier	Estimated number of members	CAT fees paid annually	Total recovery
Industry Members	Tier 1	8	$404,016	$3,232,128
	Tier 2	41	324,612	13,309,092
	Tier 3	35	230,868	8,080,380
	Tier 4	75	79,860	5,989,500
	Tier 5	59	49,956	2,947,404
	Tier 6	65	30,720	1,996,800
	Tier 7	285	6,012	1,713,420
	Tier 8	328	1,740	570,720
	Tier 9	735	264	194,040
Total		1,631		38,033,484
Equity Execution Venues	Tier 1	13	253,500	3,295,500

TRACEABILITY OF TOTAL CAT FEES—Continued

Type	Industry member tier	Estimated number of members	CAT fees paid annually	Total recovery
	Tier 2	40	155,280	6,211,200
Total		53		9,506,700
Options Execution Venues	Tier 1	11	230,460	2,535,060
	Tier 2	4	158,448	633,792
Total		15		3,168,852
Total				50,709,036
Excess [47]				9,036

(F) Comparability of Fees

The funding principles require a funding model in which the fees charged to the CAT Reporters with the most CAT-related activity (measured by market share and/or message traffic, as applicable) are generally comparable (where, for these comparability purposes, the tiered fee structure takes into consideration affiliations between or among CAT Reporters, whether Execution Venue and/or Industry Members). Accordingly, in creating the model, the Operating Committee sought to take account of the affiliations between or among CAT Reporters—that is, where affiliated entities may have multiple Industry Member and/or Execution Venue licenses, by maintaining relative comparability of fees among such affiliations with the most expected CAT-related activity. To do this, the Participants identified representative affiliations in the largest tier of both Execution Venues and Industry Members and compared the aggregate fees that would be paid by such firms.

While the proposed fees for Tier 1 and Tier 2 Industry Members are relatively higher than those of Tier 1 and Tier 2 Execution Venues, Execution Venue complex fees are relatively higher than those of Industry Member complexes largely due to affiliations between Execution Venues. The tables set forth below describe the largest Execution Venue and Industry Member complexes and their associated fees: [48]

EXECUTION VENUE COMPLEXES

Execution venue complex	Listing of equity execution venue tiers	Listing of options execution venue tier	Total fees by EV complex
Execution Venue Complex 1	• Tier 1 (x2) • Tier 2 (x1)	• Tier 1 (x4) • Tier 2 (x2)	$1,900,962
Execution Venue Complex 2	• Tier 1 (x2)	• Tier 1 (x2) • Tier 2 (x1)	1,863,801
Execution Venue Complex 3	• Tier 1 (x2) • Tier 2 (x2)	• Tier 1 (x2)	1,278,447

INDUSTRY MEMBER COMPLEXES

Industry member complex	Listing of industry member tiers	Listing of ATS tiers	Total fees by IM complex
Industry Member Complex 1	• Tier 1 (x2)	• Tier 2 (x1)	$963,300
Industry Member Complex 2	• Tier 1 (x1) • Tier 4 (x1)	• Tier 2 (x3)	949,674
Industry Member Complex 3	• Tier 1 (x1) • Tier 2 (x1)	• Tier 2 (x1)	883,888
Industry Member Complex 4	• Tier 1 (x1) • Tier 2 (x1) • Tier 4 (x1)	N/A	808,472
Industry Member Complex 5	• Tier 2 (x1) • Tier 3 (x1) • Tier 4 (x1) • Tier 7 (x1)	• Tier 2 (x1)	796,595

[47] The amount in excess of the total CAT costs will contribute to the gradual accumulation of the target operating reserve of $11.425 million.

[48] Note that the analysis of the complexes was performed on a best efforts basis, as all affiliations between the 1631 Industry Members may not be included.

(G) Billing Onset

Under Section 11.1(c) of the CAT NMS Plan, to fund the development and implementation of the CAT, the Company shall time the imposition and collection of all fees on Participants and Industry Members in a manner reasonably related to the timing when the Company expects to incur such development and implementation costs. The Company is currently incurring such development and implementation costs and will continue to do so prior to the commencement of CAT reporting and thereafter. For example, the Plan Processor has required up-front payments to begin building the CAT. In addition, the Company continues to incur consultant and legal expenses on an on-going basis to implement the CAT. Accordingly, the Operating Committee determined that all CAT Reporters, including both Industry Members and Execution Venues (including Participants), would begin to be invoiced as promptly as possible following the establishment of a billing mechanism. The Exchange will issue a Regulatory Circular to its members when the billing mechanism is established, specifying the date when such invoicing of Industry Members will commence.

(H) Changes to Fee Levels and Tiers

Section 11.3(d) of the CAT NMS Plan states that ''[t]he Operating Committee shall review such fee schedule on at least an annual basis and shall make any changes to such fee schedule that it deems appropriate. The Operating Committee is authorized to review such fee schedule on a more regular basis, but shall not make any changes on more than a semi-annual basis unless, pursuant to a Supermajority Vote, the Operating Committee concludes that such change is necessary for the adequate funding of the Company.'' With such reviews, the Operating Committee will review the distribution of Industry Members and Execution Venues across tiers, and make any updates to the percentage of CAT Reporters allocated to each tier as may be necessary. In addition, the reviews will evaluate the estimated ongoing CAT costs and the level of the operating reserve. To the extent that the total CAT costs decrease, the fees would be adjusted downward, and, to the extent that the total CAT costs increase, the fees would be adjusted upward.[49] Furthermore, any surplus of the Company's revenues over its expenses is to be included within the operational reserve to offset future fees. The limitations on more frequent changes to the fee, however, are intended to provide budgeting certainty for the CAT Reporters and the Company.[50] To the extent that the Operating Committee approves changes to the number of tiers in the funding model or the fees assigned to each tier, then the Exchange will file such changes with the SEC pursuant to Section 19(b) of the Exchange Act, and any such changes will become effective in accordance with the requirements of Section 19(b).

(I) Initial and Periodic Tier Reassignments

The Operating Committee has determined to calculate fee tiers every three months based on market share or message traffic, as applicable, from the prior three months. For the initial tier assignments, the Company will calculate the relevant tier for each CAT Reporter using the three months of data prior to the commencement date. As with the initial tier assignment, for the tri-monthly reassignments, the Company will calculate the relevant tier using the three months of data prior to the relevant tri-monthly date. The Exchange notes that any movement of CAT Reporters between tiers will not change the criteria for each tier or the fee amount corresponding to each tier.

In performing the tri-monthly reassignments, the Exchange notes that the percentage of CAT Reporters in each assigned tier is relative. Therefore, a CAT Reporter's assigned tier will depend, not only on its own message traffic or market share, but it also will depend on the message traffic/market share across all CAT Reporters. For example, the percentage of Industry Members (other than Execution Venue ATSs) in each tier is relative such that such Industry Member's assigned tier will depend on message traffic generated across all CAT Reporters as well as the total number of CAT Reporters. The Operating Committee will inform CAT Reporters of their assigned tier every three months following the periodic tiering process, as the funding model will compare an individual CAT Reporter's activity to that of other CAT Reporters in the marketplace.

The following demonstrates a tier reassignment. In accordance with the funding model, the top 75% of Options Execution Venues in market share are categorized as Tier 1 while the bottom 25% of Options Execution Venues in market share are categorized as Tier 2. In the sample scenario below, Options Execution Venue L is initially categorized as a Tier 2 Options Execution Venue in Period A due to its market share. When market share is recalculated for Period B, the market share of Execution Venue L increases, and it is therefore subsequently reranked and reassigned to Tier 1 in Period B. Correspondingly, Options Execution Venue K, initially a Tier 1 Options Execution Venue in Period A, is reassigned to Tier 2 in Period B due to decreases in its market share of share volume.

Period A			Period B		
Options execution venue	Market share rank	Tier	Options execution venue	Market share rank	Tier
Options Execution Venue A	1	1	Options Execution Venue A	1	1
Options Execution Venue B	2	1	Options Execution Venue B	2	1
Options Execution Venue C	3	1	Options Execution Venue C	3	1
Options Execution Venue D	4	1	Options Execution Venue D	4	1
Options Execution Venue E	5	1	Options Execution Venue E	5	1
Options Execution Venue F	6	1	Options Execution Venue F	6	1
Options Execution Venue G	7	1	Options Execution Venue I	7	1
Options Execution Venue H	8	1	Options Execution Venue H	8	1
Options Execution Venue I	9	1	Options Execution Venue G	9	1
Options Execution Venue J	10	1	Options Execution Venue J	10	1
Options Execution Venue K	11	1	Options Execution Venue L	11	1

[49] The CAT Fees are designed to recover the costs associated with the CAT. Accordingly, CAT Fees would not be affected by increases or decreases in other non-CAT expenses incurred by the Participants, such as any changes in costs related to the retirement of existing regulatory systems, such as OATS.

[50] Section B.7, Appendix C of the CAT NMS Plan, Approval Order at 85006.

Period A			Period B		
Options execution venue	Market share rank	Tier	Options execution venue	Market share rank	Tier
Options Execution Venue L	12	2	Options Execution Venue K	12	2
Options Execution Venue M	13	2	Options Execution Venue N	13	2
Options Execution Venue N	14	2	Options Execution Venue M	14	2
Options Execution Venue O	15	2	Options Execution Venue O	15	2

(3) Proposed CAT Fee Schedule

The Exchange proposes the Consolidated Audit Trail Funding Fees to implement the CAT Fees determined by the Operating Committee on MIAX Options' Industry Members. The proposed fee schedule has three sections, covering definitions, the fee schedule for CAT Fees, and the timing and manner of payments. Each of these sections is discussed in detail below.

(A) Definitions

Paragraph (a) of the proposed fee schedule sets forth the definitions for the proposed fee schedule. Paragraph (a)(1) states that, for purposes of the Consolidated Audit Trail Funding Fees, the terms ''CAT NMS Plan,'' ''Industry Member,'' ''NMS Stock,'' ''OTC Equity Security'', and ''Participant'' are defined as set forth in Rule 1701 (Consolidated Audit Trail Compliance Rule—Definitions).

The proposed fee schedule imposes different fees on Equity ATSs and Industry Members that are not Equity ATSs. Accordingly, the proposed fee schedule defines the term ''Equity ATS.'' First, paragraph (a)(2) defines an ''ATS'' to mean an alternative trading system as defined in Rule 300(a) of Regulation ATS under the Securities Exchange Act of 1934, as amended, that operates pursuant to Rule 301 of Regulation ATS. This is the same definition of an ATS as set forth in Section 1.1 of the CAT NMS Plan in the definition of an ''Execution Venue.'' Then, paragraph (a)(4) defines an ''Equity ATS'' as an ATS that executes transactions in NMS Stocks and/or OTC Equity Securities.

Paragraph (a)(3) of the proposed fee schedule defines the term ''CAT Fee'' to mean the Consolidated Audit Trail Funding Fee(s) to be paid by Industry Members as set forth in paragraph (b) in the proposed fee schedule.

Finally, Paragraph (a)(6) defines an ''Execution Venue'' as a Participant or an ATS (excluding any such ATS that does not execute orders). This definition is the same substantive definition as set forth in Section 1.1 of the CAT NMS Plan. Paragraph (a)(5) defines an ''Equity Execution Venue'' as an Execution Venue that trades NMS Stocks and/or OTC Equity Securities.

(B) Fee Schedule

The Exchange proposes to impose the CAT Fees applicable to its Industry Members through paragraph (b) of the proposed fee schedule. Paragraph (b)(1) of the proposed fee schedule sets forth the CAT Fees applicable to Industry Members other than Equity ATSs. Specifically, paragraph (b)(1) states that the Company will assign each Industry Member (other than an Equity ATS) to a fee tier once every quarter, where such tier assignment is calculated by ranking each Industry Member based on its total message traffic for the three months prior to the quarterly tier calculation day and assigning each Industry Member to a tier based on that ranking and predefined Industry Member percentages. The Industry Members with the highest total quarterly message traffic will be ranked in Tier 1, and the Industry Members with lowest quarterly message traffic will be ranked in Tier 9. Each quarter, each Industry Member (other than an Equity ATS) shall pay the following CAT Fee corresponding to the tier assigned by the Company for such Industry Member for that quarter:

Tier	Percentage of industry members	Quarterly CAT fee
1	0.500	$101,004
2	2.500	81,153
3	2.125	57,717
4	4.625	19,965
5	3.625	12,489
6	4.000	7,680
7	17.500	1,503
8	20.125	435
9	45.000	66

Paragraph (b)(2) of the proposed fee schedule sets forth the CAT Fees applicable to Equity ATSs.[51] These are the same fees that Participants that trade NMS Stocks and/or OTC Equity Securities will pay. Specifically, paragraph (b)(2) states that the Company will assign each Equity ATS to a fee tier once every quarter, where such tier assignment is calculated by ranking each Equity Execution Venue based on its total market share of NMS Stocks and OTC Equity Securities for the three months prior to the quarterly tier calculation day and assigning each Equity Execution Venue to a tier based on that ranking and predefined Equity Execution Venue percentages. The Equity Execution Venues with the higher total quarterly market share will be ranked in Tier 1, and the Equity Execution Venues with the lower quarterly market share will be ranked in Tier 2. Specifically, paragraph (b)(2) states that, each quarter, each Equity ATS shall pay the following CAT Fee corresponding to the tier assigned by the Company for such Equity ATS for that quarter:

Tier	Percentage of equity execution venues	Quarterly CAT fee
1	25.00	$63,375
2	75.00	38,820

(C) Timing and Manner of Payment

Section 11.4 of the CAT NMS Plan states that the Operating Committee shall establish a system for the collection of fees authorized under the CAT NMS Plan. The Operating Committee may include such collection responsibility as a function of the Plan Processor or another administrator. To implement the payment process to be adopted by the Operating Committee, paragraph (c)(1) of the proposed fee schedule states that the Company will provide each Industry Member with one invoice each quarter for its CAT Fees as determined pursuant to paragraph (b) of the proposed fee schedule, regardless of whether the Industry Member is a member of multiple self-regulatory organizations. Paragraph (c)(1) further states that each Industry Member will pay its CAT Fees to the Company via the centralized system for the collection of CAT Fees established by the Company in the manner prescribed by the Company. MIAX Options will provide Industry Members with details regarding the manner of payment of CAT Fees by Regulatory Circular.

[51] Note that no fee schedule is provided for Execution Venue ATSs that execute transactions in Listed Options, as no such Execution Venue ATSs currently exist due trading restrictions related to Listed Options.

Although the exact fee collection system and processes for CAT fees has not yet been established, all CAT fees will be billed and collected centrally through the Company, via the Plan Processor or otherwise. Although each Participant will adopt its own fee schedule regarding CAT Fees, no CAT Fees or portion thereof will be collected by the individual Participants. Each Industry Member will receive from the Company one invoice for its applicable CAT fees, not separate invoices from each Participant of which it is a member. The Industry Members will pay the CAT Fees to the Company via the centralized system for the collection of CAT fees established by the Company.[52]

Section 11.4 of the CAT NMS Plan also states that Participants shall require each Industry Member to pay all applicable authorized CAT Fees within thirty days after receipt of an invoice or other notice indicating payment is due (unless a longer payment period is otherwise indicated). Section 11.4 further states that, if an Industry Member fails to pay any such fee when due, such Industry Member shall pay interest on the outstanding balance from such due date until such fee is paid at a per annum rate equal to the lesser of: (i) The Prime Rate plus 300 basis points; or (ii) the maximum rate permitted by applicable law. Therefore, in accordance with Section 11.4 of the CAT NMS Plan, the Exchange proposes to adopt paragraph (c)(2) of the proposed fee schedule. Paragraph (c)(2) of the proposed fee schedule states that each Industry Member shall pay CAT Fees within thirty days after receipt of an invoice or other notice indicating payment is due (unless a longer payment period is otherwise indicated). If an Industry Member fails to pay any such fee when due, such Industry Member shall pay interest on the outstanding balance from such due date until such fee is paid at a per annum rate equal to the lesser of: (i) The Prime Rate plus 300 basis points; or (ii) the maximum rate permitted by applicable law.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with the provisions of Section 6(b)(5) of the Act,[53] which require, among other things, that the Exchange rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and not designed to permit unfair discrimination between customers, issuers, brokers and dealers, and Section 6(b)(4) of the Act,[54] which requires that Exchange rules provide for equitable allocation of reasonable dues, fees and other charges among its members and issuers and other persons using its facilities. As discussed above, the SEC approved the bifurcated, tiered, fixed fee funding model in the CAT NMS Plan, finding it was reasonable and that it equitably allocated fees among Participants and Industry Members. The Exchange believes that the proposed tiered fees adopted pursuant to the funding model approved by the SEC in the CAT NMS Plan are reasonable, equitably allocated and not unfairly discriminatory.

The Exchange believes that this proposal is consistent with the Act because it implements, interprets or clarifies the provisions of the Plan, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.'' [55] To the extent that this proposal implements, interprets or clarifies the Plan and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Act.

The Exchange believes that the proposed tiered fees are reasonable. First, the total CAT Fees to be collected would be directly associated with the costs of establishing and maintaining the CAT, where such costs include Plan Processor costs and costs related to insurance, third party services and the operational reserve. The CAT Fees would not cover Participant services unrelated to the CAT. In addition, any surplus CAT Fees cannot be distributed to the individual Participants; such surpluses must be used as a reserve to offset future fees. Given the direct relationship between the fees and the CAT costs, the Exchange believes that the total level of the CAT Fees is reasonable.

In addition, the Exchange believes that the proposed CAT Fees are reasonably designed to allocate the total costs of the CAT equitably between and among the Participants and Industry Members, and are therefore not unfairly discriminatory. As discussed in detail above, the proposed tiered fees impose comparable fees on similarly situated CAT Reporters. For example, those with a larger impact on the CAT (measured via message traffic or market share) pay higher fees, whereas CAT Reporters with a smaller impact pay lower fees. Correspondingly, the tiered structure lessens the impact on smaller CAT Reporters by imposing smaller fees on those CAT Reporters with less market share or message traffic. In addition, the funding model takes into consideration affiliations between CAT Reporters, imposing comparable fees on such affiliated entities.

Moreover, the Exchange believes that the division of the total CAT costs between Industry Members and Execution Venues, and the division of the Execution Venue portion of total costs between Equity and Options Execution Venues, is reasonably designed to allocate CAT costs among CAT Reporters. The 75/25 division between Industry Members and Execution Venues maintains the greatest level of comparability across the funding model, keeping in view that comparability should consider affiliations among or between CAT Reporters (*e.g.,* firms with multiple Industry Members or exchange licenses). Similarly, the 75/25 division between Equity and Options Execution Venues maintains elasticity across the funding model as well as the greatest level of fee equitability and comparability based on the current number of Equity and Options Execution Venues.

Finally, the Exchange believes that the proposed fees are reasonable because they would provide ease of calculation, ease of billing and other administrative functions, and predictability of a fixed fee. Such factors are crucial to estimating a reliable revenue stream for the Company and for permitting CAT Reporters to reasonably predict their payment obligations for budgeting purposes.

B. Self-Regulatory Organization's Statement on Burden on Competition

Section 6(b)(8) of the Act [56] requires that Exchange rules not impose any burden on competition that is not necessary or appropriate. The Exchange does not believe that the proposed amendments to its Fee Schedule will result in any burden on competition that

[52] Section 11.4 of the CAT NMS Plan.

[53] 15 U.S.C. 78f(b).

[54] 15 U.S.C. 78f(b)(4).

[55] Approval Order at 84697.

[56] 15 U.S.C. 78f(b)(8).

is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change implements provisions of the CAT NMS Plan approved by the Commission, and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. Similarly, all national securities exchanges and FINRA are proposing this proposed fee schedule to implement the requirements of the CAT NMS Plan. Therefore, this is not a competitive fee filing and, therefore, it does not raise competition issues between and among the exchanges and FINRA.

Moreover, as previously described, the Exchange believes that the proposed rule change fairly and equitably allocates costs among CAT Reporters. In particular, the proposed fee schedule is structured to impose comparable fees on similarly situated CAT Reporters, and lessen the impact on smaller CAT Reporters. CAT Reporters with similar levels of CAT activity will pay similar fees. For example, Industry Members (other than Execution Venue ATSs) with higher levels of message traffic will pay higher fees, and those with lower levels of message traffic will pay lower fees. Similarly, Execution Venue ATSs and other Execution Venues with larger market share will pay higher fees, and those with lower levels of market share will pay lower fees. Therefore, given that there is generally a relationship between message traffic and market share to the CAT Reporter's size, smaller CAT Reporters generally pay less than larger CAT Reporters. Accordingly, the Exchange does not believe that the CAT Fees would have a disproportionate effect on smaller or larger CAT Reporters. In addition, ATSs and exchanges will pay the same fees based on market share. Therefore, the Exchange does not believe that the fees will impose any burden on the competition between ATSs and exchanges. Accordingly, the Exchange believes that the proposed fees will minimize the potential for adverse effects on competition between CAT Reporters in the market.

Furthermore, the tiered, fixed fee funding model limits the disincentives to providing liquidity to the market. Therefore, the proposed fees are structured to limit burdens on competitive quoting and other liquidity provision in the market.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[57] and Rule 19b–4(f)(2) [58] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2017–18 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–MIAX–2017–18. 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–MIAX–2017–18, and should be submitted on or before June 9, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[59]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–10130 Filed 5–18–17; 8:45 am]

BILLING CODE 8011–01–P

[57] 15 U.S.C. 78s(b)(3)(A)(ii).

[58] 17 CFR 240.19b–4(f)(2).

[59] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80671; File No. SR–CBOE–2017–039]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Schedule

May 15, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 1, 2017, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule to adopt a new Supplemental CBOE Volatility Index (''VIX'') Total Firm Volume Discount for Clearing Trading Permit Holders' (''TPHs'') proprietary orders (''Supplemental VIX Discount''). The Supplemental VIX Discount allows VIX options transaction fees for Clearing TPHs' (including its Non-TPH affiliates) proprietary orders to be discounted provided a Clearing TPH (including its Non-TPH affiliates) reaches certain VIX firm volume percentage thresholds during a calendar month.

The proposed transaction fee discounts for the different volume percentage tiers for the Supplemental VIX Discount are as follows:

VIX firm volume percentage	Transaction fee discount %
11.00–12.99	20
13.00–14.99	30
Above 14.99	40

The VIX Discount applies to orders bearing the origin codes ''F'' and ''L.'' The purpose of the VIX Discount is to encourage greater Clearing TPH proprietary trading of VIX options while maintaining an incremental incentive for Clearing TPHs to strive for the highest discount level.

To determine a Clearing TPH's applicable discount, the Exchange will calculate a Clearing TPH's total proprietary order volume in VIX as a percentage of all Clearing TPHs' total proprietary order volume in VIX during a calendar month. Total proprietary order volume is calculated by accounting for all volume in VIX with an ''F'' or ''L'' Origin Code, with volume in the Extended Trading Hours (ETH) aggregated with Regular Trading Hours (RTH) volume for the same calendar month included for purposes of calculating the VIX firm volume threshold and applicable transaction fee discount. The transaction fee discount percentage will apply to all of a Clearing TPH's transaction fees assessed for proprietary order volume in VIX during the calendar month.

In conjunction with the adoption of the Supplemental VIX Discount, the Exchange proposes to amend Footnote 11 of its Fees Schedule to reference the Supplemental VIX Discount. Like the Clearing TPH Fee Cap, CBOE Proprietary Products Sliding Scale, and the Proprietary VIX Sliding Scale, the VIX Discount will apply to (i) Clearing TPH proprietary orders (''F'' origin code), and (ii) orders of Non-TPH Affiliates of a Clearing TPH.[3] A ''Non-TPH Affiliate'' would be defined for the purposes of the VIX Discount the same way it is defined for the Clearing TPH Fee Cap, CBOE Proprietary Products Sliding Scale, and the Proprietary VIX Sliding Scale: A 100% wholly-owned affiliate or subsidiary of a Clearing TPH that is registered as a United States or foreign broker-dealer and that is not a CBOE TPH. As with the Clearing TPH Fee Cap, CBOE Proprietary Products Sliding Scale, and the Proprietary VIX Sliding Scale, only proprietary orders of the Non-TPH Affiliate (''L'' origin code) effected for purposes of hedging the proprietary over-the-counter trading of the Clearing TPH or its affiliates will be included in calculating the VIX Discount, and such orders must be marked with a code approved by the Exchange identifying the orders as eligible for the VIX Discount. As with the Clearing TPH Fee Cap, CBOE Proprietary Products Sliding Scale, and the Proprietary VIX Sliding Scale, each Clearing TPH is responsible for notifying the TPH Department of all of its affiliations so that fees and contracts of the Clearing TPH and its affiliates may be aggregated for purposes of the VIX Discount and is required to certify the affiliate status of any Non-TPH Affiliate whose trading activity it seeks to aggregate. In addition, each Clearing TPH is required to inform the Exchange immediately of any event that causes an entity to cease to be an affiliate.

As with the Clearing TPH Fee Cap, the CBOE Proprietary Products Sliding Scale, and the Proprietary VIX Sliding Scale, the Exchange will aggregate the fees and trading activity of separate Clearing TPHs for the purposes of the VIX Discount if there is at least 75% common ownership between the Clearing TPHs as reflected on each Clearing TPH's Form BD, Schedule A. A Clearing TPH's fees and contracts executed pursuant to a CMTA agreement (*i.e.,* executed by another clearing firm and then transferred to the Clearing TPH's account at the OCC) are aggregated with the Clearing TPH's non-CMTA fees and contracts for purposes of the VIX Discount.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[7] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The adoption of the Supplemental VIX Discount is reasonable because it

[3] *See* CBOE Fees Schedule, Footnote 11.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] *Id.*

[7] 15 U.S.C. 78f(b)(4).

will allow Clearing TPHs who engage in VIX options trading the opportunity to obtain a discount on its transaction fees. Similarly, aggregating the fees and trading activity of separate Clearing TPHs for the purposes of the Supplemental VIX Discount if there is at least 75% common ownership between the Clearing TPHs and aggregating a Clearing TPH's fees and contracts executed pursuant to a CMTA agreement with the Clearing TPH's non-CMTA fees and contracts for the purpose of the Supplemental VIX Discount is reasonable because this will allow more Clearing TPHs to qualify for the discount at the higher rates in the Supplemental VIX Discount table.

Applying the Supplemental VIX Discount to Clearing TPH (and their affiliates, in the manner described above) proprietary orders only is equitable and not unfairly discriminatory because, as noted above, Clearing TPHs take on a number of obligations and responsibilities (such as membership with the Options Clearing Corporation), significant regulatory burdens, and financial obligations that other market participants are not required to undertake. Further, the Supplemental VIX Discount is designed to encourage increased Clearing TPH proprietary VIX options volume, which provides increased VIX options volume and greater trading opportunities for all market participants. Similarly, applying higher discount rates for Clearing TPHs who hit the higher percentage of total VIX options contract proprietary volume of all Clearing TPHs on the VIX Discount is equitable and not unfairly discriminatory because this is designed to encourage increased TPH proprietary VIX options volume, which provides increased VIX options volume and greater trading opportunities for all Clearing TPHs, including those who are not able to reach the higher volume percentages. Moreover, the Exchange already offers other fee-lowering programs (such as the Fee Cap, CBOE Proprietary Products Sliding Scale, and Proprietary VIX Sliding Scale) which entail lower fees for Clearing TPHs (and their affiliates, in the manner described above) and are limited to Clearing TPHs (and their affiliates, in the manner described above).

Applying the Supplemental VIX Discount to VIX options and not to other products is equitable and not unfairly discriminatory because the Exchange would like to encourage more trading in VIX.

The Exchange believes adding references to the Supplemental VIX Discount in Footnote 11 of the Fees Schedule alleviates potential confusion by investors reading the Fees Schedule in light of the proposed change. This avoidance of confusion removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, while the Supplemental VIX Discount applies only to Clearing TPH proprietary orders, Clearing TPHs take on a number of obligations and responsibilities (such as membership with the Options Clearing Corporation), significant regulatory burdens, and financial obligations that other market participants are not required to undertake. Further, the Supplemental VIX Discount is designed to encourage increased Clearing TPH proprietary VIX options volume, which provides increased VIX options volume and greater trading opportunities for all market participants. Therefore, the Exchange believes that any potential effects on intramarket competition that the proposed adoption of the Supplemental VIX Discount may cause are therefore justifiable. The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change applies only to CBOE. To the extent that the proposed changes make CBOE a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become CBOE market participants.

B. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [8] and paragraph (f) of Rule 19b–4 [9] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File No. SR–CBOE–2017–039 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–CBOE–2017–039. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f).

inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–CBOE–2017–039, and should be submitted on or before June 9, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–10126 Filed 5–18–17; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80672; File No. SR–OCC–2017–012]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Concerning the Options Clearing Corporation's Management Structure

May 15, 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 May 5, 2017, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below; Items I and II have been prepared primarily by OCC. OCC filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) [4] thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

This proposed rule change by OCC concerns the amendment of OCC's By-Laws to provide that the Board of Directors (''Board'') may, in its discretion, designate the Chief Operating Officer (''COO'') to act as President of OCC.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements. All terms with initial capitalization that are not otherwise defined herein have the same meaning as set forth in the OCC By-Laws and Rules.[5]

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On April 26, 2017, the Commission approved a proposed rule change by OCC that, among other things, amended OCC's By-Laws and Rules to: (1) Remove all references to OCC's President to reflect the fact that the President would no longer be a recognized officer within OCC's management and (2) reallocate the authority and responsibilities previously granted to the President between the COO and a newly appointed Chief Administrative Officer (''CAO'').[6] OCC is now proposing to amend Article IV, Section 1 of the By-Laws to provide that the Board may, in its discretion, designate that the COO also serve as President of OCC. The purpose of the proposed rule change is to provide further clarity and transparency around OCC's management structure and the roles and titles of its senior management.

Prior to the approval of SR–OCC–2017–002,[7] OCC's By-Laws stipulated that its President would also serve as COO, with the authority and responsibilities of the COO and President primarily being addressed throughout the By-Laws and Rules in terms of this officer's capacity as President. As a result of SR–OCC–2017–002,[8] OCC's By-Laws and Rules were amended to eliminate all references to the President; however, the position of COO was retained, and OCC's senior management was reorganized within an Office of the Executive Chairman comprised of the Executive Chairman and Chief Executive Officer, the COO and the CAO. Pursuant to Article IV, Section 8 of the By-Laws, the COO and CAO are responsible for the aspects of OCC's business that do not report directly to the Executive Chairman, with such responsibilities being determined by the Board to promote the efficient and effective management and operation of OCC. The By-Laws and Rules also address various other authorities and responsibilities of the COO and CAO.[9]

The proposed rule change would provide that the Board may, in its discretion, designate that the COO also serve as President. The two roles would not, however, be tied together by operation of the By-Laws as it was prior to the approval of SR–OCC–2017–002 and would instead provide the Board with the discretionary authority to make this determination as it deems appropriate. The proposed rule change is not intended to modify OCC's current management structure or the allocation of duties and responsibilities currently associated with the roles of COO or CAO as set forth in By-Laws and Rules. If the Board determines to designate that the COO also serve as President, the authority and responsibilities of the COO and President would continue to be governed by the allocation of authority and responsibilities of the COO as currently set forth in OCC's By-Laws and Rules. The proposed rule change would take a similar approach to the previous construction of OCC's By-Laws and Rules regarding the role of COO and President; however, the proposed approach would now describe the authority and responsibilities of the President and COO throughout the By-Laws and Rules in terms of this officer's capacity as COO (as opposed to President).

OCC notes that, under Article IV, Section 1 of the By-Laws, the Board may, but need not, elect such other officers (*i.e.,* officers in addition to the Executive Chairman, Member Vice Chairman, COO, CAO, Secretary, and Treasurer) as it may from time to time

[5] OCC's By-Laws and Rules can be found on OCC's public Web site: *http://optionsclearing.com/about/publications/bylaws.jsp.*

[6] *See* Securities Exchange Act Release No. 80531 (April 26, 2017), 82 FR 20502 (May 2, 2017) (SR–OCC–2017–002).

[7] *Id.*

[8] *Id.*

[9] For example, OCC's Rules provide the Executive Chairman, COO and CAO with the authority to, among other things, impose certain restrictions on a Clearing Member's transactions, positions and activities based on the financial or operational condition of the Clearing Member (Rule 305); extend settlement times in emergency conditions; (Rule 505); waive the required margin deposit of a Clearing Member in the interest of maintaining fair and orderly markets (Rule 609A); and make a determination as to whether the immediate liquidation of some or all of a suspended Clearing Member's margin deposits and/or contributions to the Clearing Fund would not be in the best interests of the OCC, other Clearing Members, or the general public (Rule 1104).

determine are required for the efficient management and operation of OCC. While this provision of Article IV, Section 1 of the By-Laws currently provides the Board with discretionary authority to elect or otherwise designate an officer of OCC to serve as President, OCC believes that the proposed rule change would provide additional clarity and transparency around the Board's authority to elect a President, particularly in light of recent OCC filing SR–OCC–2017–002.

2. Statutory Basis

Section 17A(b)(3)(F) of the Act,[10] requires that the rules of a clearing agency be designed, in general, to protect investors and the public interest. OCC believes that the proposed rule change is consistent with the protection of investors and the public interest because it would provide OCC's users and the general public with further clarity and transparency around OCC's management structure and the roles and titles of its senior management by clarifying in OCC's By-Laws that the Board has the discretion to designate that OCC's COO also serve as President of the corporation. As a result, OCC believes the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act.[11]

In addition, Rule 17Ad–22(e)(2)[12] requires covered clearing agencies to maintain written policies and procedures reasonably designed to, among other things, provide for governance arrangements that are clear and transparent, specify clear and direct lines of responsibility, and fulfill the public interest requirements in Section 17A of the Act.[13] OCC believes that the proposed amendments to its By-Laws would provide clear and transparent statements of the Board's discretionary authority to designate that the COO also serve as President of OCC. Under the proposed rule change, if the Board would designate that the COO also serve as President, the authority and responsibilities of the COO and President would continue to be governed by the clear allocation of authority and responsibilities provided to the COO as currently set forth in OCC's By-Laws and Rules. As a result, OCC believes the proposed rule change would provide for governance arrangements that are clear and transparent, specify clear and direct lines of responsibility, and fulfill the public interest requirements in Section 17A of the Act[14] in a manner consistent with Rule 17Ad–22(e)(2).[15]

The proposed rule change is not inconsistent with the existing rules of OCC, including any other rules proposed to be amended.

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act[16] requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. OCC does not believe the proposed rule change would have any impact or impose any burden on competition. As discussed in more detail above, OCC believes that the proposed rule change would provide more clarity and transparency to users (and potential users) of OCC regarding OCC's governance and management arrangements. The proposed rule change would not affect Clearing Members' access to OCC's services or disadvantage or favor any particular user in relationship to another user. As such, OCC believes that the proposed changes would not have any impact or impose any burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A) of the Act,[17] and Rule 19b–4(f)(6)[18] thereunder, the proposed rule change is filed for immediate effectiveness because it does not do the following: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) by its terms become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate. Additionally, OCC provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission.

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. OCC has requested that the Commission waive the 30-day operative delay contained in Rule 19b–4(f)(6)(iii) so that the proposal may become operative immediately upon filing. OCC believes that a waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because it will enable OCC to implement the proposed rule change in a more timely manner and thereby reinforce the Board's authority to elect officers, and more specifically, a President, as it deems necessary for the efficient management and operation of OCC.

The Commission agrees that a waiver of the 30-day operative delay is appropriate under the particular facts and circumstances concerning this proposed rule change, as the proposed rule change does not present novel or controversial issues. As OCC stated, Article IV, Section 1 of the By-Laws currently provides the Board with discretionary authority to elect or otherwise designate an officer of OCC to serve as President. OCC stated further that the proposed rule change would provide additional clarity and transparency around the Board's authority to elect a President, particularly in light of recent OCC filing SR–OCC–2017–002. Accordingly, the Commission designates the proposed rule change to be operative upon filing.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[20]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and

[10] 15 U.S.C. 78q–1(b)(3)(F).

[11] *Id.*

[12] 17 CFR 240.17Ad–22(e)(2).

[13] 15 U.S.C. 78q–1.

[14] 15 U.S.C. 78q–1.

[15] 17 CFR 240.17Ad–22(e)(2).

[16] 15 U.S.C. 78q–1(b)(3)(I).

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6).

[19] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] Notwithstanding its immediate effectiveness, implementation of this rule change will be delayed until this change is deemed certified under CFTC Regulation § 40.6.

arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–OCC–2017–012 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–OCC–2017–012. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at *http://www.theocc.com/components/docs/legal/rules_and_bylaws/sr_occ_17_012.pdf.*

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–OCC–2017–012 and should be submitted on or before June 9, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–10127 Filed 5–18–17; 8:45 am]

BILLING CODE 8011–01–P

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80677; File No. SR–NYSE–2017–20]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change Amending Its Listing Standard for Special Purpose Acquisition Companies To Change Shareholder Vote Requirement for the Approval of a Business Combination

May 15, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on May 1, 2017, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its listing standard for Acquisition Companies (''ACs'') to change its shareholder vote requirement for the approval of a Business Combination. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its listing standard for Acquisition Companies (or ''ACs'') as set forth in Section 102.06 of the NYSE Listed Company Manual (the ''Manual'') to change its shareholder vote requirement for the approval of a Business Combination.

An AC (typically known in the marketplace as a special purpose acquisition company or ''SPAC'') is a special purpose company formed for the purpose of effecting a merger, capital stock exchange, asset acquisition, stock purchase, reorganization or similar business combination with one or more operating businesses or assets with a fair market value equal to at least 80% of the net assets of the AC held in trust (net of amounts disbursed to management for working capital purposes and excluding the amount of any deferred underwriting discount held in trust) (a ''Business Combination'').

Section 102.06 subjects any AC listed on the NYSE to the following requirements (among others):

- If the AC holds a shareholder vote on a Business Combination, it must be approved by a majority of the votes cast by public shareholders[4] at the shareholder meeting at which the Business Combination is being considered;
- if a shareholder vote on a Business Combination is held, each public shareholder voting against the Business Combination will have the right to convert its shares of common stock into a pro rata share of the aggregate amount then on deposit in the trust account (net of taxes payable, and amounts disbursed to management for working capital purposes), provided that the Business Combination is approved and consummated;[5]

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Shares held by directors, officers, or their immediate families and other concentrated holding of 10 percent or more are excluded in calculating the number of publicly-held shares.

[5] An AC can establish a limit (set no lower than 10% of the shares sold in the AC's IPO) as to the maximum number of shares with respect to which any public shareholder, together with any affiliate of such shareholder or any person with whom such shareholder is acting as a ''group'' (as such term is used in Sections 13(d) and 14(d) of the Exchange Act) may exercise conversion rights;

• if a shareholder vote is not held on a Business Combination for which the company must file and furnish a proxy or information statement subject to Regulation 14A or 14C under the Exchange Act, the company must provide all shareholders with the opportunity to redeem all their shares for cash equal to their pro rata share of the aggregate amount then in the deposit account (net of taxes payable, and amounts disbursed to management for working capital purposes), pursuant to Rule 13e–4 and Regulation 14E under the Exchange Act, which regulates issuer tender offers; and

• the AC will be liquidated if no Business Combination has been consummated within a specified time period not to exceed three years.

The Exchange proposes to amend Section 102.06 by modifying its requirement that a shareholder vote approving a Business Combination be approved by a majority of the votes cast by public shareholders. The proposed amended rule would require approval by a majority of all votes cast on the proposal, rather than just votes cast by public shareholders. The Exchange notes that the proposed revision to the voting requirements would conform the NYSE's rule to the comparable requirements under the SPAC listing standards of the NASDAQ Stock Market and NYSE MKT.[6] Harmonizing the Exchange's requirements with those of the other listing markets will enable it to compete more effectively for the listing of ACs. The Exchange believes that the proposed amended rule would be consistent with the protection of investors, as any investor who voted against a proposed Business Combination would continue to have the right to require the company to redeem such investor's shares for cash if the Business Combination was consummated.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5)[8] of the Act, in particular in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed amended rule is consistent with the protection of investors because as any investor [sic] who voted against a proposed Business Combination would continue to have the right to require the company to redeem such investor's shares for cash if the Business Combination was consummated. In addition, the Exchange notes that the proposed revision to the voting requirements would conform the NYSE's rules to the comparable requirements under the SPAC listing standards of the NASDAQ Stock Market and NYSE MKT. Harmonizing the Exchange's requirements with those of the other listing markets will enable it to compete more effectively for the listing of ACs.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is designed to harmonize the Exchange's requirements with respect to the listing of ACs with those of the other listing exchanges and will therefore increase competition for the listing of ACs by making the Exchange a more attractive listing venue.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2017–20 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2017–20. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2017–20 and should be submitted on or before June 9, 2017.

[6] *See* NASDAQ IM 5101–2 and Section 119 of the MKT Company Guide.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–10132 Filed 5–18–17; 8:45 am]

BILLING CODE 8011–01–P

[9] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15098 and #15099]

Nevada Disaster Number NV–00048

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of NEVADA (FEMA–4307–DR), dated 03/27/2017.

Incident: Severe Winter Storms, Flooding, and Mudslides.

Incident Period: 02/05/2017 through 02/22/2017.

Effective Date: 05/12/2017.

Physical Loan Application Deadline Date: 05/26/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 12/27/2017.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of NEVADA, dated 03/27/2017, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Churchill, Storey

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–10152 Filed 5–18–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 9988]

60-Day Notice of Proposed Information Collection: NEA/AC Performance Reporting System (ACPRS)

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. 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 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to July 18, 2017.

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

- *Web:* Persons with access to the Internet may comment on this notice by going to *www.Regulations.gov*. You can search for the document by entering ''Docket Number: DOS–2017–0022'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: SibrianHE@state.gov.*
- *Regular Mail:* Send written comments to: Hainer Sibrian, PRO-Telligent Contractor, Near Eastern Affairs, NEA/AC, 2201 C St. NW., Washington, DC 20037
- *Fax:* 202–776–8820.

You must include the information collection title and the OMB control number in any correspondence.

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, may be made to Hainer Sibrian, TetraTech/PRO-Telligent Contractor, U.S. Department of State, Bureau of Near Eastern Affairs, Office of Assistance Coordination (NEA/AC), NEA Mail Room—Room 6528, 2201 C St. NW., Washington, DC 20520. He may be reached by phone at 202–776–8826 or by email at *SibrianHE@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* NEA/AC Performance Reporting System (ACPRS).
- *OMB Control Number:* 1405–0183.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* NEA/AC.
- *Form Number:* DS–4127.
- *Respondents:* Recipients of NEA/AC grants.
- *Estimated Number of Respondents:* 240.
- *Estimated Number of Responses:* 960.
- *Average Time per Response:* 20 hours.
- *Total Estimated Burden Time:* 19,200 hours.
- *Frequency:* Quarterly.
- *Obligation to Respond:* Mandatory.

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 Assistance Coordination (AC) Office, established in June 2014, coordinates United States government foreign assistance in the Middle East and North Africa region for the Department of State, and manages the implementation of all the assistance functions within the Department of State's Bureau of Near Eastern Affairs. In fiscal year 2017, the AC office expects to obligate over $142 million to support economic development, good governance, education, democracy programs, and human rights reform in 20 countries of the Middle East and North Africa. As a normal course of business and in compliance with OMB Guidelines contained in 2 CFR 200, recipient organizations are required to provide, and the U.S. Department of State is required to collect, periodic program and financial performance reports. The responsibility of the Department to track and monitor the programmatic and financial performance necessitates a database that can help facilitate this in a consistent and standardized manner. The NEA/AC Performance Reporting System (ACPRS) enables enhanced monitoring and evaluation of grants

through standardized collection and storage of relevant award elements, such as quarterly progress reports, workplans, results monitoring plans, grant agreements, and other business information related to AC implementers. The ACPRS streamlines communication with implementers and allows for rapid identification of information gaps for specific projects.

Methodology: Information will be electronically entered into ACPRS by respondents.

Gregory Young,

Grants Manager, NEA/AC, U.S. Department of State.

[FR Doc. 2017–10172 Filed 5–18–17; 8:45 am]

BILLING CODE 4710–31–P

DEPARTMENT OF STATE

[Public Notice: 9998]

Notice; Call for Expert Reviewers

AGENCY: Department of State.

ACTION: Notice; call for expert reviewers.

SUMMARY: The United States Government encourages relevant experts to provide comments to the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES) on six assessments related to biodiversity and ecosystem services: Four regional assessments, one global assessment, and one assessment on land degradation and restoration.

DATES: The three regional draft assessments and the land degradation and restoration draft assessment: Available for review now until June 26, 2017.

The Americas regional draft assessment: Available for review from May 29–July 24, 2017.

The global draft assessment: Available for review from June 15–August 15, 2017.

FOR FURTHER INFORMATION CONTACT: Stephanie Aktipis (*AktipisS@state.gov*).

SUPPLEMENTARY INFORMATION: The United States is an active member of IPBES, an independent intergovernmental body that assesses the state of biodiversity and of the ecosystem services biodiversity provides to society. The U.S. Government is committed to an open and transparent review process, and welcomes participation of all government and non-government subject matter experts. The U.S. government encourages individuals with significant expertise and/or publications relevant to these assessments to serve as expert reviewers.

Interested experts will first register as users of the IPBES Web site (*http://www.ipbes.net/user/register?destination=sod-review*) and then can apply to become IPBES reviewers at *www.ipbes.net/sod-review* (this will only work when logged in to the IPBES Web site). Reviewers will receive an email providing access to the draft assessments and will be requested to submit their comments using a template that is available on the same Web page. All relevant comments will then be addressed by the assessment authors in the next round of revisions.

The final drafts of the regional and land degradation and restoration assessments will be considered by IPBES Member States at the 6th IPBES Plenary meeting in March 2018. The global draft assessment will be released for a second public review later in 2018.

Sherry Zalika Sykes,

Director, Acting, Office of Conservation and Water, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State.

[FR Doc. 2017–10214 Filed 5–18–17; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice: 10000]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Tarsila do Amaral: Inventing Modernism in Brazil'' Exhibition

Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that certain objects to be included in the exhibition ''Tarsila do Amaral: Inventing Modernism in Brazil,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Art Institute of Chicago, in Chicago, Illinois, from on or about October 8, 2017, until on or about January 7, 2018, at The Museum of Modern Art, New York, New York, from on or about February 11, 2018, until on or about June 3, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–10215 Filed 5–18–17; 8:45 am]

BILLING CODE 4710–05–P

STATE JUSTICE INSTITUTE

SJI Board of Directors Meeting, Notice

AGENCY: State Justice Institute.

ACTION: Notice of neeting.

SUMMARY: The SJI Board of Directors will be meeting on Monday, June 5, 2017 at 1:30 p.m. The meeting will be held at SJI Headquarters in Reston, Virginia. The purpose of this meeting is to consider grant applications for the 3rd quarter of FY 2017, and other business. All portions of this meeting are open to the public.

ADDRESSES: State Justice Institute Headquarters, 11951 Freedom Drive, Suite 1020, Reston, Virginia 20190.

FOR FURTHER INFORMATION CONTACT: Jonathan Mattiello, Executive Director, State Justice Institute, 11951 Freedom Drive, Suite 1020, Reston, VA 20190, 571–313–8843, *contact@sji.gov.*

Jonathan D. Mattiello,

Executive Director.

[FR Doc. 2017–10093 Filed 5–18–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Research, Engineering and Development Advisory Committee Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of the Research,

Engineering & Development Advisory Committee meeting.

DATES: The meeting will be held on May 31, 2017—9:30 a.m. to 4:30 p.m.

ADDRESSES: The meeting will be held at the Federal Aviation Administration, 800 Independence Avenue SW., Round Room (10th Floor), Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Chinita A. Roundtree-Coleman at (609) 485–7149 or Web site at *chinita.roundtree-coleman@faa.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 2), notice is hereby given of a meeting of the Research, Engineering and Development (RE&D) Advisory Committee. The meeting agenda will include Committee guidance for FAA's research and development investments in the areas of air traffic services, airports, aircraft safety, human factors and environment and energy. Attendance is open to the interested public but seating is limited. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to attend the meeting, present statements, or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the Committee at any time.

Issued in Washington, DC, on May 12, 2017.

Chinita A. Roundtree-Coleman,

Computer Specialist.

[FR Doc. 2017–10204 Filed 5–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Disposal of 9.63 Acres of Airport Land at Laconia Municipal Airport in Gilford, NH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for public comments.

SUMMARY: Notice is being given that the FAA is considering a request from the Laconia Airport Authority in Gilford, NH, to dispose of 9.63 acres of airport land that is not required for aviation purposes at Laconia Municipal Airport.

DATES: Comments must be received on or before June 19, 2017.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov,* and follow the instructions on providing comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W 12–140, 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.

Interested persons may inspect the request and supporting documents by contacting the FAA at the address listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Mr. Jorge E. Panteli, Compliance and Land Use Specialist, Federal Aviation Administration New England Region Airports Division, 1200 District Avenue, Burlington, Massachusetts 01803. Telephone: 781–238–7618.

SUPPLEMENTARY INFORMATION: Under the provisions of Title 49, U.S.C. Section 47153(d), FAA is considering a request from the Laconia Airport Authority in Gilford, NH, to dispose of 9.63 acres of airport land that is not required for aviation purposes at Laconia Municipal Airport.

The subject parcel has been identified as property no longer needed for aviation use by the Laconia Airport Authority (LAA). The property, Lot 3.200, located along to the northwest of the airport along the west side of Lily Pond Road (NH Route 11C) in the Town of Gilford. The property is located approximately a quarter mile northwest of the airport proper and has been identified by the Laconia Airport Authority as not needed for aviation use. Given the location of this parcel, the disposal of this property will have no effect on aviation land nor future development opportunities for the airport. The proceeds of the disposal will be placed in the airport's account and will be used for the operation and maintenance of the airport. Appropriate avigation easements will be placed on the property to ensure compatibility with the airport and the airport's airspace.

Issued in Burlington, Massachusetts on May 5, 2017.

Mary T. Walsh,

Manager, ANE–600.

[FR Doc. 2017–10197 Filed 5–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at the Abilene Regional Airport, Abilene, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release airport property.

SUMMARY: The FAA proposes to rule and invite public comment on the release of land at the Abilene Regional Airport, Abilene, Texas under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

DATES: Comments must be received on or before June 19, 2017.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Mr. Ben Guttery, Manager, Federal Aviation Administration, Southwest Region, Airports Division, Texas Airports District Office, ASW–650, 10101 Hillwood Parkway, Fort Worth, Texas 76177.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Don Green, Director of Transportation Services, at the following address: Abilene Regional Airport, 2933 Airport Blvd.; Suite 200, Abilene, Texas 77554.

FOR FURTHER INFORMATION CONTACT: Mr. Marcelino Sanchez, Program Manager, Federal Aviation Administration, Texas Airports District Office, ASW–650, 10101 Hillwood Parkway, Fort Worth, TX 76177, Telephone: (817) 222–5652, Email: *Marcelino.Sanchez@faa.gov.*

The request to release property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at the Abilene Regional Airport, Abilene, Texas under the provisions of the AIR 21.

The following is a brief overview of the request: City of Abilene, Abilene, Texas requests the release of 51.891 acres of non-aeronautical airport property. The property is located adjacent to State Highway Loop 322 and on the west side of the airport. The property to be released will be sold and revenues shall be used as local matching funds for future AIP grants, development of common use facilities and utilities within airport property. Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents relevant to the application in person at the Abilene Regional Airport, telephone number (325) 676–6061.

Issued in Fort Worth, Texas on May 4, 2017.

Ignacio Flores,

Director, Airports Division.

[FR Doc. 2017–10198 Filed 5–18–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2017–0017]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

Under part 235 of Title 49 of the Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this document provides the public notice that on April 28, 2017, Norfolk Southern Corporation (NS) submitted an amended petition to the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of a signal system. FRA assigned the original and amended petitions Docket Number FRA–2017–0017.

Applicant: Norfolk Southern Corporation, Mr. B.L. Sykes, Chief Engineer C&S Engineering, 1200 Peachtree Street NE., Atlanta, GA 30309.

NS seeks a waiver from compliance with cab signal system requirements in 49 CFR 236.566, *Locomotive of each train operating in train stop, train control, or cab signal territory; equipped,* at the following geographic locations:

- Between control point (CP) Bright, milepost (MP) PC28.2 and CP Rochester, MP PC25.9 in the area of Rochester, PA.
- Movements on Fort Wayne Main 1 or Main 2 to or from Youngstown Line.

After turnout rationalization and installation of new cab signal operations east of CP Rochester, completed in conjunction with PTC implementation, NS requests that FRA expand the limits of the waiver to include operations between:

- CP Rochester on Fort Wayne Line Main 1 for movements to or from the Cleveland Line.
- CP West Conway, MP PC24.5 on Fort Wayne Line Main 1 or Main 2 for movements to or from Youngstown Line track #101 or #102.

All movements will be made with an absolute block at Restricted Speed.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by July 3, 2017 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy*. See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Robert C. Lauby,

Associate Administrator for Railroad Safety Chief Safety Officer.

[FR Doc. 2017–10246 Filed 5–18–17; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2017–0034]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

Under part 235 of Title 49 of the Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this document provides public notice that on April 20, 2017, Union Pacific Railroad (UP) petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of a signal system. FRA assigned the petition Docket Number FRA–2017–0034.

Applicant: Union Pacific Railroad, Mr. Kevin D. Hicks, AVP Engineering–Design, 1400 Douglas Street, MS 0910, Omaha, NE 68179.

UP seeks approval to discontinue the traffic control system on the Pequot Subdivision, between milepost (MP) 56.90 and MP 62.75 in the cities of Mazon, Braceville, and Coal City, IL. The subdivision will be converted to a non-signaled industrial lead.

The reason given for the proposed discontinuance is to allow the track currently out of service per Timetable Special Instruction SI–01, between MP 58.69 and MP 62.75, to be re-opened to service an industry project for Hoffman Transportation, whose facility will begin at the end of the proposed industrial lead at MP 59.77. UP will discontinue its common carrier operation between MP 59.77 and MP 56.75 per Surface Transportation Board Docket AB–333X. UP will upgrade and return to service the highway-rail grade crossing warning equipment within the project's limits at MP's 58.69 Spring Road, MP 59.78 Reed Road, and MP 61.71, Braceville Road. The north switch on the BNSF Railway at MP 56.90 was previously removed.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m.

to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by June 23, 2017 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2017–10247 Filed 5–18–17; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2017–0012]

Agency Information Collection Activity Under OMB Review

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describe the nature of the information collection and their expected burdens. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collections of information was published on March 14, 2017.

DATES: Comments must be submitted on or before June 19, 2017.

FOR FURTHER INFORMATION CONTACT: Tia Swain, Office of Administration, Management Planning Division, 1200 New Jersey Avenue SE., Mail Stop TAD–10, Washington, DC 20590 (202) 366–0354 or *tia.swain@dot.gov.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Pub. L. 104–13, Section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On March 14, 2017, published a 60-day notice (82 FR 13726) in the **Federal Register** soliciting comments on the ICR that the agency was seeking OMB approval. FTA received no comments after issuing this 60-day notice. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30 day notice is published. 44 U.S.C. 3507 (b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30 day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The requirements are being submitted for clearance by OMB as required by the PRA.

Title: Over-the-Road Bus (OTRB) Accessibility Program.

OMB Control Number: 2132–0570.

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

Abstract: The Over-the-Road Bus (OTRB) Accessibility Program was authorized under section 3038 of the Transportation Equity Act for the 21st Century (TEA–21), Public Law 105–85, as amended by the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA–LU), Public Law 109–059, August 10, 2005. OTRBs funding was used in intercity fixed route service as well as other services, such as commuter, charter and tour bus services. These services were an important element of the U.S. transportation system. TEA–21 authorized FTA's OTRB Accessibility Program to assist OTRB operators in complying with the Department's OTRB Accessibility regulation, ''Transportation for Individuals with Disabilities'' (49 CFR part 37, subpart H). The legislative intent of this grant program was to increase the number of wheelchair accessible OTRBs available to persons with disabilities throughout the country. The Over the Road Bus Program was repealed by Congress under the Moving Ahead for Progress in the 21st Century Act (MAP–21). However, funds previously authorized for programs repealed by MAP–21 remain available for their originally authorized purposes until the period of availability expires, the funds are fully expended, the funds are rescinded by Congress, or the funds are otherwise reallocated. To meet program oversight responsibilities, FTA must continue to collect information until the period of availability expires, the funds are fully expended, the funds are rescinded by Congress, or the funds are otherwise reallocated.

Annual Estimated Total Burden Hours: 144 hours.

ADDRESSES: All written comments must refer to the docket number that appears at the top of this document and be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: FTA Desk Officer. Alternatively, comments may be sent via email to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, at the following address: *oira_submissions@omb.eop.gov*

Comments are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department'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 collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

William Hyre,

Deputy Associate Administrator for Administration.

[FR Doc. 2017–10170 Filed 5–18–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2017–0013]

Agency Information Collection Activity Under OMB Review

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describe the nature of the information collection and their expected burdens. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collections of information was published on January 17, 2017.

DATES: Comments must be submitted on or before June 19, 2017.

FOR FURTHER INFORMATION CONTACT: Tia Swain, Office of Administration, Management Planning Division, 1200 New Jersey Avenue SE., Mail Stop TAD–10, Washington, DC 20590 (202) 366–0354 or *tia.swain@dot.gov.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, Section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On January 17, 2017, published a 60-day notice (82 FR 4963) in the **Federal Register** soliciting comments on the ICR that the agency was seeking OMB approval. FTA received no comments after issuing this 60-day notice. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507 (b)-(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The requirements are being submitted for clearance by OMB as required by the PRA.

Title: Statewide and Nonmetropolitan Transportation Planning and Metropolitan Transportation Planning

OMB Control Number: 2132–0529

Type of Request: Revision of a currently approved information collection

Abstract: The FTA and Federal Highway Administration (FHWA) jointly carry out the federal mandate to improve urban and rural transportation. 49 U.S.C. 5303 and 5304 and 23 U.S.C. 134 and 135 authorize the use of federal funds to assist Metropolitan Planning Organizations (MPOs), States, and local public bodies in developing transportation plans and programs to serve the transportation needs of urbanized areas over 50,000 in population and other areas of States outside of urbanized areas. The information collection activities involved in developing the Unified Planning Work Program (UPWP), the Metropolitan Transportation Plan, the Long-Range Statewide Transportation Plan, the Transportation Improvement Program (TIP), and the Statewide Transportation Improvement Program (STIP) are necessary to identify and evaluate the transportation issues and needs in each urbanized area and throughout every State. These products of the transportation planning process are essential elements in the reasonable planning and programming of federally funded transportation investments. In addition to serving as a management tool for MPOs, the UPWP is used by both FTA and FHWA to monitor the transportation planning activities of MPOs. It also is needed to establish national out year budgets and regional program plans, develop policy on using funds, monitor State and local compliance with technical emphasis areas, respond to Congressional inquiries, prepare Congressional testimony, and ensure efficiency in the use and expenditure of Federal funds by determining that planning proposals are both reasonable and cost-effective. 49 U.S.C. 5303 and 23 U.S.C. 134(j) require the development of TIPs for urbanized areas; STIPs are mandated by 49 U.S.C. 5304 and 23 U.S.C. 135(g) for an entire State. After approval by the Governor and MPO, metropolitan TIPs in attainment areas are to be incorporated directly into the STIP. For nonattainment areas, FTA/FHWA must make a conformity finding on the TIPs before including them in the STIP. The complete STIP is then jointly reviewed and approved or disapproved by FTA and FHWA. These conformity findings and approval actions constitute the determination that States are complying with the requirements of 23 U.S.C. 134 and 135 and 49 U.S.C. 5303 and 5304 as a condition of eligibility for federal-aid funding. Without these documents, approvals and findings, FTA and FHWA cannot provide capital and/or operating assistance.

The FTA and FHWA updated their method for estimating the annual

burden hours of the transportation planning programs on respondents to reflect the Final Rule on Statewide and Nonmetropolitan Transportation Planning and Metropolitan Transportation Planning. On July 6, 2012, the President signed into law Public Law 112–141, the Moving Ahead for Progress in the 21st Century Act (MAP–21) and on December 4, 2015, signed into law Public Law 114–94, the Fixing America's Surface Transportation Act (FAST). The MAP–21 makes significant changes to the statewide and nonmetropolitan planning process and the metropolitan transportation planning process, and the FAST makes minor changes to existing provisions. As a result, FHWA and FTA have issued a final rule that makes the regulations consistent with current statutory requirements. The rule is central to the implementation of the overall performance management framework created by MAP–21. The changes to the FHWA/FTA statewide and nonmetropolitan and metropolitan transportation planning regulations (23 CFR part 450 and 49 CFR part 613) make the regulations consistent with current statutory requirements. Major regulatory revisions include a new mandate for States and MPOs to take a performance-based approach to planning and programming; a new emphasis on the nonmetropolitan transportation planning process, by requiring States to have a higher level of involvement with nonmetropolitan local officials and providing a process for the creation of regional transportation planning organizations (RTPOs); a structural change to the membership of the larger MPOs; a new framework for voluntary scenario planning; and a process for programmatic mitigation plans. The revised burden hour estimates reflect the annual compliance burden of the requirements in the Final Rule on Statewide and Nonmetropolitan Transportation Planning and Metropolitan Transportation Planning published on May 27, 2016.

Annual Estimated Total Burden Hours: 4,199,279 hours.

ADDRESSES: All written comments must refer to the docket number that appears at the top of this document and be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: FTA Desk Officer. Alternatively, comments may be sent via email to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, at the following address: *oira_submissions@omb.eop.gov*

Comments are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department'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 collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

William Hyre,

Deputy Associate Administrator for Administration.

[FR Doc. 2017–10171 Filed 5–18–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0090]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel TEMPLAR; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before June 19, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0090. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel TEMPLAR is:

—*Intended Commercial Use of Vessel:* ''Charter business for all inclusive upscale vacations''

—*Geographic region:* ''Florida''

The complete application is given in DOT docket MARAD–2017–0090 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

By Order of the Maritime Administrator.

Dated: May 16, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–10201 Filed 5–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD 2017–0091]

Request for Comments on the Renewal of a Previously Approved Information Collection: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Maritime Administration (MARAD) invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information to be collected will be used to identify strengths and weaknesses of current services and make improvements in service delivery based on feedback. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Written comments should be submitted by July 18, 2017.

ADDRESSES: You may submit comments [identified by Docket No. DOT–MARAD–2017–0091] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Jackson, 202–366–0615, Office of Management and Administrative Services, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2133–0543.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Type of Review: Renewal of a previously approved information collection.

Abstract: This collection of information is necessary to enable the Agency to garner customer and stakeholder feedback in an efficient, timely manner, in accordance with our commitment to improving service delivery. The information collected from our customers and stakeholders will help ensure that users have an effective, efficient, and satisfying experience with the Agency's programs. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Estimated Number of Respondents: 8,696.

Estimated Number of Responses: 8,696.

Estimated Hours per Response: 10 minutes.

Estimated Total Annual Burden Hours: 1,449.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.

By Order of the Maritime Administrator.

Dated: May 16, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–10202 Filed 5–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0089]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SEAS LIFE; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before June 19, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0089. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SEAS LIFE is:

—*Intended Commercial Use of Vessel:* ''2 hour day sails, sunset sails, weekend sails, and weeklong sailing trips while educating guest of how amazing the Chesapeake Bay is and how we can protect this vital resource.''

—*Geographic Region:* ''Virginia, North Carolina, South Carolina, Georgia, Florida''

The complete application is given in DOT docket MARAD–2017–0089 at

http://www.regulations.gov. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

By Order of the Maritime Administrator.

Dated: May 16, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–10200 Filed 5–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

Advisory Board: Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation (SLSDC). The meeting will be held from 2 p.m. to 4 p.m. (EDT) on Monday, June 26, 2017 via conference call at the SLSDC's Policy Headquarters, 55 M Street SE., Suite 930, Washington, DC 20003. The agenda for this meeting will be as follows: Opening Remarks; Consideration of Minutes of Past Meeting; Quarterly Report; Old and New Business; Closing Discussion; Adjournment.

Attendance at the meeting is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the meeting. Persons wishing further information should contact, not later than Wednesday, June 21, 2017, Wayne Williams, Chief of Staff, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue SE., Washington, DC 20590; 202–366–0091.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, DC, on May 15, 2017.

Carrie Lavigne,

Chief Counsel.

[FR Doc. 2017–10109 Filed 5–18–17; 8:45 am]

BILLING CODE 4910–61–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[OCC Charter Number 703691]

Heritage Bank of St. Tammany, Covington, Louisiana; Approval of Conversion Application

Notice is hereby given that on May 15, 2017, the Office of the Comptroller of the Currency (OCC) approved the application of Heritage Bank of St. Tammany, Covington, Louisiana, to convert to the stock form of organization. Copies of the application are available on the OCC Web site at the FOIA Reading Room (*https://foia-pal.occ.gov/palMain.aspx*) under Mutual to Stock Conversion Applications. If you have any questions, please contact Licensing Activities at (202) 649–6260.

Dated: May 15, 2017.

By the Office of the Comptroller of the Currency.

Donald W. Dwyer,

Thrift Licensing Lead Expert.

[FR Doc. 2017–10206 Filed 5–18–17; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information gathering meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel with the Internal Revenue Service for strategic planning. The Internal Revenue Service is seeking the Taxpayer Advocacy Panel's input for this project.

DATES: The meeting will be held Thursday, June 22, 2017.

FOR FURTHER INFORMATION CONTACT: Gretchen Swayzer at 1–888–912–1227 or 469–801–0769.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Committee will be held Thursday, June 22, 2017, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Gretchen Swayzer. For more information please contact: Gretchen Swayzer at 1–888–912–1227 or 469–801–0769, Taxpayer Advocate Service, 4050 Alpha Rd., Farmers Branch, TX 75244, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include a discussion on various special topics with IRS processes.

Dated: May 12, 2017.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2017–10118 Filed 5–18–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8945

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and

other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the PTIN Supplemental Application For U.S. Citizens Without A Social Security Number Due To Conscientious Reasons.

DATES: Written comments should be received on or before July 18, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6141, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: PTIN Supplemental Application For U.S. Citizens Without A Social Security Number Due To Conscientious Reasons.

OMB Number: 1545–2188.

Form Number: 8945.

Abstract: Most individuals applying for a Preparer Tax Identification Number (PTIN) will have a social security number, which will be used to help establish their identity. However, there exists a population of U.S. residents that are religious objectors and do not have social security numbers. Form 8945 is being created to assist that population in establishing their identity while applying for a PTIN.

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 and other for-profit organizations.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 7 hrs., 11 min.

Estimated Total Annual Burden Hours: 3,590.

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: May 11, 2017.

R. Joseph Durbala,

IRS, Tax Analyst.

[FR Doc. 2017–10120 Filed 5–18–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Survey of Foreign Ownership of U.S. Securities as of June 30, 2017

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice and in accordance with 31 CFR 129, the Department of the Treasury is informing the public that it is conducting a mandatory survey of foreign ownership of U.S. securities as of June 30, 2017. This mandatory survey is conducted under the authority of the International Investment and Trade in Services Survey. This Notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, this survey. Additional copies of the reporting forms SHLA (2017) and instructions may be printed from the Internet at: *http://www.treasury.gov/resource-center/data-chart-center/tic/Pages/forms-sh.aspx.*

SUPPLEMENTARY INFORMATION:

Definition: A U.S. person is any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency), who resides in the United States or is subject to the jurisdiction of the United States.

Who Must Report: The panel for this survey is based primarily on the level of foreign resident holdings of U.S. securities reported on the June 2014 benchmark survey of foreign resident holdings of U.S. securities, and on the Aggregate Holdings of Long-Term Securities by U.S. and Foreign Residents (TIC SLT) report as of December 2016, and will consist mostly of the largest reporters. Entities required to report will be contacted individually by the Federal Reserve Bank of New York. Entities not contacted by the Federal Reserve Bank of New York have no reporting responsibilities.

What To Report: This report will collect information on foreign resident holdings of U.S. securities, including equities, short-term debt securities (including selected money market instruments), and long-term debt securities.

How To Report: Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, may be obtained at the Web site address given above in the **SUMMARY**, or by contacting the survey staff of the Federal Reserve Bank of New York at (212) 720–6300 or (646) 720–6300, email: *SHLA.help@ny.frb.org.* The mailing address is: Federal Reserve Bank of New York, Statistics Function, 4th Floor, 33 Liberty Street, New York, NY 10045–0001. Inquiries can also be made to the Federal Reserve Board of Governors, at (202) 452–3476, or to Dwight Wolkow, at (202) 622–1276, or by email: *comments2TIC@do.treas.gov.*

When To Report: Data should be submitted to the Federal Reserve Bank of New York, acting as fiscal agent for the Department of the Treasury, by August 31, 2017.

Paperwork Reduction Act Notice: This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 1505–0123. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. The estimated

average annual burden associated with this collection of information is 486 hours per report for the largest custodians of securities, and 110 hours per report for the largest issuers of securities that have data to report and are not custodians. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Department of the Treasury, Office of International Affairs, Attention Administrator, International Portfolio Investment Data Reporting Systems, Room 5422, Washington, DC 20220, and to OMB, Attention Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Dwight Wolkow,

Administrator, International Portfolio Investment Data Reporting Systems.

[FR Doc. 2017–10160 Filed 5–18–17; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0818]

Agency Information Collection Activity: VA National Veterans Sports Programs and Special Event Surveys Data Collection

AGENCY: Office of Public & Intergovernmental Affairs, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Office of Public Affairs (OPA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each collection of information and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to evaluate the National Veterans Sports Programs and Special Event Surveys Data Collection is designed to allow program improvement and measure the tangible, quantifiable benefits of the events, using event applications. Information collected is used for the planning, distribution and utilization of resources and to allocate clinical and administrative support to patient treatment services. Data will allow the program office to ensure that the target audience is being reached, effective therapeutic treatments are being offered, and tangible, quantitative results are being measured and tracked for continual improvement.

DATES: Comments and recommendations must be received on or before July 18, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Cynthia Harvey-Pryor, Office of Information & Technology (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420; or email: *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0818 (VA National Veterans Sports Programs and Special Event Surveys)'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0818'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Titles: VA National Veterans Sports Programs and Special Event Surveys.

OMB Control Number: 2900–0818.

Type of Review: Extension with out change.

Abstract: The Department of Veterans Affairs (VA) administers National Rehabilitation Special Events for Veterans who are receiving care at VA medical facilities. Each event promotes the healing of body and spirit by motivating Veterans to reach their full potential, improve their independence, and achieve a healthier lifestyle and higher quality of life. Surveys are designed to allow program improvement and measure the tangible, quantifiable benefits of the events using event applications. Information collection is used for the planning, distribution and utilization of resources and to allocate clinical and administrative support to patient treatment services.

Affected Public: Individuals or households.

Estimated Annual Burden: 2782 burden hours.

Estimated Average Burden per Respondent: 2.552 minutes.

(a) National Disabled Veterans Winter Sports Clinic, VA Form 10107 (2.5 min.).

(b) National Veterans Creative Arts Festival, VA Form 10108 (2.25 min.).

(c) National Veterans Golden Age Games, VA Form 10109 (2.5 min.).

(d) National Veterans Summer Sports Clinic, VA Form 10110 (2.25 min.).

(e) National Veterans TEE Tournament, VA Form 10111 (2.75 min.).

(f) National Veterans Wheelchair Games, VA Form 10112 (2.75 min.).

Frequency of Response: 28.75 (annual).

Estimated Number of Respondents: 2275.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2017–10094 Filed 5–18–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Notice of Intent To Prepare a Programmatic Environmental Impact Statement for the Department of Veterans Affairs, VA Greater Los Angeles Healthcare System (GLAHS), West Los Angeles Medical Center Campus, Proposed Master Plan for Improvements and Reconfiguration

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of intent.

SUMMARY: VA intends to prepare a programmatic Environmental Impact Statement (EIS) for proposed improvements to and reconfiguration of the VA West Los Angeles Medical Center Campus (WLA). The WLA is part

of the larger VA Greater Los Angeles Healthcare System (GLAHS) which serves tens of thousands of unique Veterans in Kern, Los Angeles, San Luis Obispo, Santa Barbara, and Ventura Counties

DATES: All written comments on the proposal should be submitted by June 30, 2017. VA will consider all comments received during the 30-day public comment period in determining the scope of the programmatic EIS. VA plans to conduct several public scoping meetings, in the month of June 2017, within the WLA service area; the dates, times, and locations of which will be announced and published at least 14 days prior to.

ADDRESSES: Submit written comments on VA's notice of intent to prepare a programmatic EIS through *www.Regulations.gov* or *VHAGLAMasterPlan@va.gov.* Please refer to: ''WLA Notice of Intent to Prepare a Programmatic EIS.'' Comments may also be submitted to Staff Assistant to the Director, VA Greater Los Angeles Healthcare System, 11301 Wilshire Boulevard, Los Angeles, California 90073.

FOR FURTHER INFORMATION CONTACT: Staff Assistant to the Director, VA Greater Los Angeles Healthcare System, at the address above or by telephone, 605–720–7170. Documents related to the WLA Master Plan Programmatic EIS will be available for viewing at *http://www.losangeles.va.gov/masterplan/.*

SUPPLEMENTARY INFORMATION: Pursuant to the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4331 *et seq.*); the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508); United States Department of Veterans Affairs (VA) NEPA Implementing Guidance (38 CFR part 26); Section 106 of the National Historic Preservation Act (NHPA) of 1966 (54 U.S.C. Part 306108); and the Advisory Council on Historic Preservation (ACHP) Procedures for the Protection of Historic Properties (36 CFR part 800 *et seq.*), VA intends to prepare a programmatic Environmental Impact Statement (EIS) for proposed improvements to and reconfiguration of the VA West Los Angeles Medical Center Campus (WLA). The WLA is part of the larger VA Greater Los Angeles Healthcare System (GLAHS) which serves tens of thousands of unique Veterans in Kern, Los Angeles, San Luis Obispo, Santa Barbara, and Ventura Counties. The WLA is located at the major intersection of Sepulveda Boulevard, Interstate 405 (also known as the San Diego Freeway), and Wilshire Boulevard in Los Angeles, California, in the densely urbanized Brentwood neighborhood, and encompasses approximately 388 acres. WLA is one of the largest medical center campuses in the VA system, providing a full range of medical services to eligible Veterans, including state-of-the-art hospital and outpatient care, rehabilitation, residential care, and long-term care services. It also serves as a center for medical research and education and a major training site for medical residence in partnership with the David Geffen School of Medicine at the University of California, Los Angeles (UCLA), and the University of Southern California (USC) School of Medicine, as well as more than 45 colleges, universities, and vocational schools in 17 different medical, nursing, and other health care and administrative programs. The proposed action would involve evaluating potential ways to reconfigure and redevelop the existing WLA, expand points of access, and provide additional housing to homeless Veterans based upon the Framework Master Plan, to better serve the health care needs and distribution of Veterans in the GLAHS service area over the next 20 to 30 years. The effects and impacts to be addressed would include those identified in 40 CFR 1508.8; *i.e.,* Aesthetics, Air Quality, Historic and Cultural Resources, Geology and Soils, Hydrology and Water Quality, Noise, Land Use, Floodplains, Wetlands and Coastal Zone Management, Socioeconomics, Community Services, Solid and Hazardous Materials, Transportation, Utilities, Environmental Justice and Cumulative Impacts. Both beneficial and detrimental effects of the proposed action would be identified as well. As part of the scoping process, VA seeks public input on the relative importance of these and other areas of environmental concern, mitigation measures, and suggestions regarding additional environmental impacts that should be evaluated. In addition, VA is substituting the NEPA process for compliance with NHPA, in accordance with § 36 CFR 800.8 (c), and in keeping with the joint CEQ-Advisory Council on Historic Preservation (ACHP) guidance on how to use NEPA in lieu of the procedures set forth in § 36 CFR 800.3 through 800.6. This handbook for integrating NEPA and Section 106 is dated March 2013, and available at *http://www.achp.gov/docs/NEPA_NHPA_Section_106_Handbook_Mar2013.pdf.* the meetings

With the publication of this notice, VA is initiating the scoping process to identify issues and concerns to be addressed in the programmatic EIS. Federal, state, tribal and local agencies; environmental, historic preservation organizations; businesses; interested parties; and the general public are encouraged to submit written comments identifying specific issues or topics of environmental concern that should be addressed.

Proposed Action and Alternatives: The WLA Framework Master Plan is a visionary blueprint that will assist VA to determine and implement the most effective use of the campus for Veterans, particularly for homeless Veterans, including underserved populations, such as female Veterans, aging Veterans, and those who are severely physically or mentally disabled. The primary considerations include: (a) The provision of appropriate levels of supportive housing on the campus, in renovated existing buildings or newly constructed facilities, while taking into account the parties' assessment of available housing units in the greater Los Angeles community; (b) respect for individual Veteran choices on whether to seek housing at WLA or in the local community; (c) parameters of applicable law, including but not limited to, the appropriate integration of persons with disabilities into the community, and applicable environmental and historic preservation laws, regulations, and consultation requirements; and (d) the need for appropriate levels of bridge and emergency housing along with short-term treatment services on campus, to provide state-of-the-art primary care, mental health, and addiction services to Veterans, particularly those that are chronically homeless.

The proposed action would involve multiple concurrent and/or subsequent projects to be executed. VA has identified several potential action alternatives to be analyzed in the Programmatic EIS for each grouping of projects. For each project or groupings of projects:

1. *Alternative A:* Relocation of any existing tenants and services to another existing building, complete renovation and retrofit of the existing building or buildings for a new function and service provider;

2. *Alternative B:* Relocation of any existing tenants and services to another existing building or buildings, complete renovation and retrofit of the existing building or buildings, and relocation of tenants back to the newly completed renovation;

3. *Alternative C:* Relocation of any existing tenants and services to another existing building or buildings, and the attendant complete demolition of former building or buildings, with construction

of completely new building or buildings;

4. *Alternative D:* Relocation of any existing tenants and services to another existing building or buildings, complete demolition of former building or buildings, with no replacement of the demolished building or buildings;

5. *Alternative E:* Study of the impacts associated with the No Action or ''status quo'' alternative, as a basis for comparison to the action alternatives.

Relevant and reasonable measures that could alleviate or mitigate adverse effects and impacts also would be included. VA would undertake necessary consultations with other governmental agencies and consulting parties pursuant to the NHPA, Endangered Species Act, Clean Water Act, and other applicable environmental laws. Consultation would include, but is not limited to: Federal, state, tribal, and local agencies; the California Office of Historic Preservation as the State Historic Preservation Officer; and federally-recognized tribes with a geographic and/or cultural connection to the area. Information related to the NEPA process, including notices of public scoping and other informational meetings will be available for viewing on the WLA Master Plan Web site: *http://www.losangeles.va.gov/masterplan/.*

VA anticipates that many of the issues to be addressed in assessing the impacts of the alternatives may affect the physical plant of WLA. Most of the acreage of WLA is located within a National Register Historic District. The campus also contains buildings individually listed in the National Register of Historic Places and archaeological sites. Furthermore, the campus may contain archaeological sites not previously identified. In the interests of efficiency, completeness, and facilitating public involvement, it is VA's intention that all cultural impacts be addressed together, in consultation with all appropriate parties. To facilitate this inclusive process, VA will incorporate into its NEPA analysis process the review procedures for historic properties usually carried out separately under § 36 CFR 800.3 through 800.6 of the NHPA Section 106, a process known as substitution. This process will include the opportunity for parties with a demonstrated interest in historic properties, as well as members of the public, to consult with VA on the identification of those properties, the evaluation of effects of the project on those properties, and the mitigation of those effects that are adverse to historic properties.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on May 15, 2017, for publication.

Approved: May 15, 2017.

Jeffrey Martin,

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

[FR Doc. 2017–10158 Filed 5–18–17; 8:45 am]

BILLING CODE 8320–01–P

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Federal Register

Vol. 82, No. 96

Friday, May 19, 2017

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