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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2015–0097]

Asian Longhorned Beetle: Update List of Regulated Articles

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the Asian longhorned beetle (ALB) regulations by removing plants of the genus *Celtis,* which we have determined not to be a host plant of ALB, from the list of regulated articles. As a result of the interim rule, there are no longer any restrictions on the movement of *Celtis* spp. plants from areas quarantined for ALB.

DATES: Effective on May 25, 2017, we are adopting as a final rule the interim rule published at 81 FR 39175–39176 on June 16, 2016.

FOR FURTHER INFORMATION CONTACT: Ms. Claudia Ferguson, M.S., Senior Regulatory Policy Specialist, Regulatory Coordination and Compliance, Imports, Regulations and Manuals, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 851–2352; email: *Claudia.Ferguson@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

In an interim rule [1] effective June 16, 2016, and published in the **Federal Register** on June 16, 2016 (81 FR 39175–39176, Docket No. APHIS–2015–0097), we amended the Asian longhorned beetle (ALB) regulations in 7 CFR 301.51 by removing plants of the genus *Celtis,* which we have determined not to be a host plant of ALB, from the list of regulated articles. This action relieved restrictions on the movement of *Celtis* spp. plants from areas quarantined for ALB.

Comments on the interim rule were required to be received on or before August 15, 2016. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule without change.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866. Because this rule is waived, it does not trigger the requirements of Executive Order 13771.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 81 FR 39175–39176 on June 16, 2016.

Done in Washington, DC, this 19th day of May 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–10675 Filed 5–24–17; 8:45 am]

BILLING CODE 3410–34–P

[1] To view the interim rule and supporting documentation, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0097.*

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 944, 980, and 999

[Doc. No. AMS–SC–16–0083; SC16–944/980/999–1 FIR]

Changes to Reporting and Notification Requirements and Other Clarifying Changes for Imported Fruits, Vegetables, and Specialty Crops

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Affirmation of the interim rule as final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim rule that updated reporting and notification requirements associated with, and made clarifying changes to, the fruit, vegetable, and specialty crop import regulations for certain commodities regulated under section 608(e) (hereinafter referred to as ''8e'') of the Agricultural Marketing Agreement Act of 1937. The interim rule shifted the exempt reporting requirement for imported tomatoes destined for noncommercial outlets for experimental purposes from the tomato import regulations to the safeguard procedures section of the vegetable import regulations. In addition, the pistachio import regulations were updated by removing reference to a paper-based notification of entry process. Other administrative changes were made to several of the 8e regulations to replace outdated information. These changes to the import regulations support the International Trade Data System (ITDS), a system that streamlines and automates the filing of import and export information by the trade.

DATES: Effective May 30, 2017.

FOR FURTHER INFORMATION CONTACT: Shannon Ramirez, Compliance and Enforcement Specialist, or Vincent Fusaro, Compliance and Enforcement Branch Chief, Specialty Crops Program, AMS, USDA; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Shannon.Ramirez@ams.usda.gov* or *VincentJ.Fusaro@ams.usda.gov.*

Small businesses may obtain information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement

Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Richard.Lower@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' Section 8e provides that whenever certain commodities are regulated under Federal marketing orders, imports of those commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, and/or maturity requirements as those in effect for the domestically produced commodities. The Act also authorizes USDA to perform inspections and other related functions (such as commodity sampling) on those imported commodities and to certify whether these requirements have been met.

Parts 944, 980, and 999 of title 7 of the Code of Federal Regulations (CFR) specify inspection, certification, and reporting requirements for imported commodities regulated under 8e. These parts also list the imported commodities that may be exempt from grade, size, quality, and/or maturity requirements when imported for specific purposes (such as processing, donation to charitable organizations, or livestock feed). Additionally, these parts specify the form importers must use to report to USDA and the U.S. Customs and Border Protection (CBP) imports of commodities exempt from 8e regulations.

USDA is issuing this rule in conformance with Executive Orders 12866, 13771, 13563, and 13175.

This rule continues in effect an interim rule clarifying change to part 980, the vegetable import regulations. The interim rule moved the procedure for filing an exempt commodity form for tomatoes destined for noncommercial outlets for experimental purposes from § 980.212 of the tomato import regulations to § 980.501 of the vegetable safeguard procedures import regulations. This change removed reference to a form that does not exist for imports and made the safeguard regulations consistent for all imported vegetables that are exempt from 8e regulations.

This rule also continues in effect the change to § 999.600 of the pistachio import regulations that removed the reference to a paper-based notification of entry process, known in the industry as the ''stamp and fax'' process. This paper-based process was replaced by an electronic filing requirement that was developed to comply with the International Trade Data System (ITDS) and was specified within the USDA's Agricultural Marketing Service (AMS) Specialty Crops Inspection Division's regulations in an interim rule published in the **Federal Register** on December 21, 2016 (81 FR 93571). Removing this outdated information streamlines the regulations and provides consistency among the specialty crop import regulations.

This rule also continues in effect other minor administrative changes to §§ 944.401, 999.1, and 999.600 of the fruit and specialty crop import regulations. These changes, which include updating agency and program names and removing or updating other information that was duplicative or out of date, helps ensure the import regulations contain accurate information and align with the ITDS objective of streamlining import processes for the trade.

AMS has determined that these changes to the fruit, vegetable, and specialty crop import regulations meet CBP's requirements for ITDS by shifting an exempt-tomato reporting requirement to the proper safeguard procedures section of the vegetable import regulations. These regulations were revised in 2015 to provide an electronic filing option; streamline an entry notification process for imported pistachios; and remove or revise duplicative or outdated information. These changes help reduce the burden on America's import trade without compromising AMS' ability to ensure compliance with its import regulations.

In an interim rule published in the **Federal Register** on December 5, 2016, and effective on December 8, 2016 (81 FR 87409, Doc. No. AMS–SC–164–0083, SC16–944/980/999–1 IR), clarifying changes were made to part 980 by moving the exempt-use reporting requirements for tomatoes destined for noncommercial outlets for experimental purposes from § 980.212 (tomato import regulations) to § 980.501 (safeguard procedures section for imported vegetables).

In addition, § 999.600(d) of the pistachio import regulations was revised to remove the paper-based ''stamp and fax'' process, which has been replaced by an electronic process that importers now use to notify AMS of an initial request for inspection.

Finally, several administrative changes were made to various sections in parts 944 and 999 (the fruit and specialty crop import regulations, respectively). First, the USDA agency and program names were updated, where needed. Second, §§ 944.401(e) (olives) and 999.1(c)(1) (dates) were changed by simplifying the language regarding the requirement that importers provide USDA inspectors with identifying information about each lot being inspected. Finally, § 999.1(e) (dates) was updated by removing a paragraph titled ''importation,'' because it contained redundant and incomplete information about filing inspection or exemption documents with CBP.

Executive Orders 12866 and 13771, and Final Regulatory Flexibility Analysis

This rule does not meet the definition of a significant regulatory action contained in section 3(f) of Executive Order 12866, and is not subject to review by the Office of Management and Budget (OMB). Additionally, because this rule does not meet the definition of a significant regulatory action it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017). Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

Small agricultural service firms, which includes importers, are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,500,000 (13 CFR 121.201).

Based on 2015 reporting, USDA estimates that there were two importers and two receivers of tomatoes that were exempt from 8e requirements. Although USDA does not have access to data about the business sizes of these importers and receivers, it is likely that the majority may be classified as large entities.

This rule continues in effect the action that moved the requirements for reporting imported tomatoes destined for noncommercial outlets for experimental purposes, which are exempt from 8e regulations, from the tomato import regulations to the safeguard section of the vegetable import regulations. This change to the regulations did not revise the procedures currently used by importers and receivers of exempt tomatoes;

instead, it shifted the outdated requirements contained in § 980.212 to the more appropriate safeguard procedures section in § 980.501. Most importers and receivers already file FV–6 forms electronically with AMS, while some paper forms are still submitted to AMS. In 2015, AMS estimates it received five electronic FV–6 forms and no paper FV–6 forms for approximately 14,900 pounds of exempt tomatoes.

As part of the full implementation of ITDS, importers and receivers report exempt shipments through CBP's Automated Commercial Environment (ACE) system and AMS' Compliance and Enforcement Management System (CEMS). CEMS was developed by AMS to replace AMS' Marketing Order Online System (MOLS), an online system that was used from its implementation in 2008 until it was replaced by CEMS in 2016. An affirmation of interim rule as final rule was published in the **Federal Register** on June 25, 2015, (80 FR 36465) that provided for the electronic submission of FV–6 forms, a practice that has existed since MOLS was implemented in 2008 but was not reflected in the regulations. This action imposes no additional burden on importers and receivers of exempt tomatoes.

Regarding alternatives to this action, AMS determined that these changes to the regulations were needed to comply with ITDS requirements. Moving an outdated, paper-based exempt form-filing requirement from the import tomato regulations to the safeguard section of the vegetable import regulations standardized the regulations and properly provided for the current requirement of filing a paper or electronic form FV–6, which benefits importers and receivers who import these exempt tomatoes. In addition, changing the pistachio regulations by removing the paper-based ''stamp and fax'' requirement streamlined the regulations and reduced the burden on the trade. The other administrative changes made in the interim rule provided the import trade with accurate information.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirements for the form FV–6 (for commodities exempt from 8e requirements) have been previously approved by OMB and assigned OMB No. 0581–0167 (Specific Commodities Imported into United States Exempt From Import Regulations). No changes in the requirements for the FV–6 form as a result of this action are necessary. The shift of the requirements for exempt-use filings from the tomato import regulations to the safeguard section for imported vegetables was administrative in nature and did not change the practice that has existed for many years. Should any changes to form FV–6 become necessary in the future, they would be submitted to OMB for approval.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large importers or receivers of commodities exempt from 8e regulations. As with all import regulations, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Further, importers are already familiar with the long-existing process and requirement to file FV–6 forms for commodities exempt from 8e regulations. Also, the import trade is fully aware of the ITDS initiative, which is designed to streamline and automate the filing of import shipment data.

Comments on the interim rule were required to be received on or before February 3, 2017. No comments were received. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule, without change.

To view the interim rule, go to: *https://www.regulations.gov/document?D=AMS-SC-16-0083-0001.*

This action also affirms information contained in the interim rule concerning Executive Orders 12866, 12988, 13175, and 13563; the Paperwork Reduction Act (44 U.S.C. Chapter 35); and the E-Gov Act (44 U.S.C. 101).

After consideration of all relevant material presented, it is found that finalizing the interim rule, without change, as published in the **Federal Register** (81 FR 87409, December 5, 2016) will tend to effectuate the declared policy of the Act.

List of Subjects

7 CFR Part 944

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Olives, Oranges.

7 CFR Part 980

Food grades and standards, Imports, Marketing agreements, Onions, Potatoes, Tomatoes.

7 CFR Part 999

Dates, Filberts, Food grades and standards, Imports, Nuts, Pistachios, Prunes, Raisins, Reporting and recordkeeping requirements, Walnuts.

PARTS 944, 980, AND 999—[AMENDED]

■ Accordingly, the interim rule that amended 7 CFR parts 944, 980, and 999 that was published at 81 FR 87409 on December 5, 2016, is adopted as a final rule, without change.

Dated: May 19, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–10678 Filed 5–24–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

[Doc. No. AMS–SC–16–0107; SC17–985–1 FR]

Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2017–2018 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule implements a recommendation from the Far West Spearmint Oil Administrative Committee (Committee) to establish the quantity of spearmint oil produced in the Far West, by class, that handlers may purchase from, or handle on behalf of, producers during the 2017–2018 marketing year, which begins on June 1, 2017. The Far West production area includes the states of Washington, Idaho, Oregon, and designated parts of Nevada and Utah. The Committee locally administers the marketing order and is comprised of spearmint oil producers operating within the area of production. This action establishes salable quantities and allotment percentages for Class 1 (Scotch) spearmint oil of 774,645 pounds and 36 percent, respectively, and for Class 3 (Native) spearmint oil of 1,075,051 pounds and 44 percent, respectively. The Committee recommended these salable quantities and allotment percentages to help maintain stability in the spearmint oil market.

DATES: Effective May 26, 2017.

FOR FURTHER INFORMATION CONTACT: Dale Novotny, Marketing Specialist, or Gary Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA;

Telephone: (503) 326–2724, Fax: (503) 326–7440, or Email: *DaleJ.Novotny@ams.usda.gov* or *GaryD.Olson@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Richard.Lower@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order No. 985 (7 CFR part 985), as amended, regulating the handling of spearmint oil produced in the Far West (Washington, Idaho, Oregon, and designated parts of Nevada and Utah), hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this final rule in conformance with Executive Orders 12866, 13771, 13563, and 13175. This rule does not meet the definition of a significant regulatory action contained in section 3(f) of Executive Order 12866, and is not subject to review by the Office of Management and Budget (OMB). Additionally, because this rule does not meet the definition of a significant regulatory action it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This final rule is not intended to have retroactive effect. Under the order now in effect, salable quantities and allotment percentages may be established for classes of spearmint oil produced in the Far West. This final rule will establish the quantity of spearmint oil produced in the Far West, by class, which handlers may purchase from, or handle on behalf of, producers during the 2017–2018 marketing year, which begins on June 1, 2017.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

The Far West Spearmint Oil Administrative Committee (Committee) meets annually in the fall to adopt a marketing policy for the ensuing marketing year or years. In determining such marketing policy, the Committee considers a number of factors, including, but not limited to, the current and projected supply, estimated future demand, production costs, and producer prices for all classes of spearmint oil. Input from spearmint oil handlers and producers regarding prospective marketing conditions for the upcoming year is considered as well.

If the Committee's marketing policy considerations indicate a need for regulating the quantity of any or all classes of spearmint oil marketed, the Committee subsequently recommends to USDA the establishment of a salable quantity and allotment percentage for such class or classes of oil in the forthcoming marketing year. Recommendations for volume regulation are intended to ensure that market requirements for Far West spearmint oil are satisfied and orderly marketing conditions are maintained.

The salable quantity represents the total amount of each class of spearmint oil that handlers may purchase from, or handle on behalf of, producers during the marketing year. The allotment percentage is the percentage used to calculate each producer's prorated share of the salable quantity. It is derived by dividing the salable quantity for each class of spearmint oil by the total of all producers' allotment bases for the same class of oil. Each producer's annual allotment of salable spearmint oil is calculated by multiplying their respective total allotment base by the allotment percentage for each class of spearmint oil. A producer's allotment base is their quantified share of the spearmint oil market based on a statistical representation of past spearmint oil production, with accommodation for reasonable, normal adjustments to such base as prescribed by the Committee and approved by USDA.

Salable quantities and allotment percentages are established at levels intended to fulfill market requirements and to maintain orderly marketing conditions. Committee recommendations for volume regulation are made well in advance of the period in which the regulations are to be effective, thereby allowing producers the chance to adjust their production decisions accordingly.

Pursuant to authority in §§ 985.50, 985.51, and 985.52 of the order, the full eight-member Committee met on October 19, 2016, and recommended salable quantities and allotment percentages for both classes of oil for the 2017–2018 marketing year. By a vote of 6–2, the Committee recommended the establishment of a salable quantity and allotment percentage for Scotch spearmint oil of 774,645 pounds and 36 percent, respectively. The two Committee members that voted in opposition to the recommendation both supported volume regulation, but at higher levels than were proposed. They felt that a nearly 20 percent year-over-year reduction in the salable quantity and allotment percentage for Scotch spearmint oil was too severe.

For Native spearmint oil, with a unanimous vote (7–0, with the public member abstaining), the Committee recommended the establishment of a salable quantity and allotment percentage of 1,075,051 pounds and 44 percent, respectively. Pursuant to § 985.29(a), seven members of the Committee constitute a quorum and six concurring votes are required to pass a motion.

This final rule establishes the amount of Scotch and Native spearmint oil that handlers may purchase from, or handle on behalf of, producers during the 2017–2018 marketing year, which begins on June 1, 2017. Salable quantities and allotment percentages have been placed into effect each season since the order's inception in 1980.

Class 1 (Scotch) Spearmint Oil

As noted above, the Committee recommended a salable quantity of Scotch spearmint oil of 774,645 pounds and an allotment percentage of 36 percent for the upcoming 2017–2018 marketing year. To arrive at these recommendations, the Committee utilized 2017–2018 sales estimates for Scotch spearmint oil, as provided by several of the industry handlers, historical and current Scotch spearmint oil production, inventory statistics, and international market data obtained from consultants for the spearmint oil industry.

The trade demand estimate for Far West Scotch spearmint oil was revised during the 2016–2017 marketing year from an initial estimate of 900,000 pounds to the current estimate of 950,000 pounds. Trade demand is expected to decrease from the 950,000 pounds anticipated in the 2016–2017 marketing year to 925,000 pounds in the 2017–2018 marketing year. Industry reports indicate that the decreased trade demand estimate is the result of decreased consumer demand for spearmint-flavored products, especially chewing gum in China and India, as fruit flavors are becoming preferential to consumers. In addition, better than expected production of spearmint oil in competing markets, most notably Canada and the U.S. Midwest, have also factored into the Committee's assessment of the market.

Production of Far West Scotch spearmint oil declined from 1,229,258 pounds in 2015 to an estimated 1,113,346 pounds in 2016. Production over the last three seasons has exceeded sales, leading to a gradual build in the salable carry-in of Scotch spearmint oil. Scotch spearmint oil held in the reserve pool, which was completely depleted at the beginning of the 2014–2015 marketing year, has also been gradually increasing over the past three years.

Carry-in represents the amount of salable spearmint oil produced, but not marketed, in a previous year or years that is available for sale in the current year under a previous year's annual allotment. Under volume regulation, spearmint oil that is designated as salable continues to be available to the market until it is sold and may be marketed at any time at the discretion of the owner. Spearmint oil held in reserve, however, is spearmint oil that has been produced in excess of a producer's marketing year allotment that can only be released into the market under certain circumstances.

Salable carry-in is the primary measure of excess spearmint oil supply under the order as it represents overproduction in prior years that is currently available to the market without restriction. Spearmint oil held in the reserve pool is a lesser indicator of excess supply, as it is spearmint oil that is not available to the market in the current marketing year without an increase in the salable quantity and allotment percentage.

The Committee estimates that there will be 174,507 pounds of salable carry-in of Scotch spearmint oil on June 1, 2017. If correct, this figure would be up 8,739 pounds from the 165,768 pounds carried in the previous year on June 1, 2016. The Committee estimates that salable carry-in will decrease to 24,152 pounds at the beginning of the 2018–2019 marketing year, if current market conditions and projections are maintained.

This anticipated level of carry-in (24,152 pounds) would be below the quantity that the Committee considers favorable (generally 150,000 pounds). However, the Committee believes that this lower salable carry-in is manageable given the strong production of spearmint in the current marketing year and the quantity of Scotch spearmint oil held in the reserve pool that could be released into the market if the industry experiences an unexpected increase in demand.

The Committee reported that there was 15,937 pounds of Scotch spearmint oil held in the reserve pool as of May 31, 2016. The Committee expects the reserve pool to increase to 204,691 pounds by May 31, 2017. This quantity of reserve oil should be an adequate buffer to supply the market if necessary.

The Committee estimates the total available supply of Scotch oil for the 2017–2018 marketing year to be 949,152 pounds (174,507 pounds of estimated carry-in plus 774,645 pounds of recommended salable quantity). The 2017–2018 Scotch spearmint oil salable quantity of 774,645 pounds recommended by the Committee represents a decrease of 184,066 pounds from the salable quantity established the previous marketing year (958,711 pounds).

The Committee estimates the 2017–2018 marketing year trade demand for Scotch spearmint oil at 925,000 pounds. As stated previously, the Committee expects that there will be 174,507 pounds of available carry-in of Scotch spearmint oil on June 1, 2017. That carry-in, when combined with the recommended 2017–2018 marketing year salable quantity of 774,645 pounds, will result in a total supply of 949,152 pounds of Scotch spearmint oil for the 2017–2018 marketing year. This quantity of Scotch spearmint oil is expected to fully satisfy estimated market demand of 925,000 pounds and is estimated to leave 24,152 pounds as carry-out from the 2017–2018 marketing year to be used as carry-in for the 2018–2019 marketing year.

The Committee's stated intent in the use of marketing order volume regulation provisions for Scotch spearmint oil is to keep adequate supplies available to meet market needs and maintain orderly marketing conditions. The recommended salable quantity of Scotch spearmint oil for the upcoming marketing year is less than the salable quantity established for the previous year. Even so, the Committee expects that the market will be fully supplied for the 2017–2018 marketing year.

The Committee believes that the recommended salable quantity will adequately meet demand, as well as result in a reasonable carry-in for the following year. The Committee developed its recommendation for the Scotch spearmint oil salable quantity and allotment percentage for the 2017–2018 marketing year based on the information discussed above, as well as the computational data outlined below.

(A) *Estimated carry-in of Scotch spearmint oil on June 1, 2017: 174,507 pounds.* This figure is the difference between the revised 2016–2017 marketing year total available supply of 1,124,507 pounds and the revised 2016–2017 marketing year estimated trade demand of 950,000 pounds.

(B) *Estimated trade demand of Scotch spearmint oil for the 2017–2018 marketing year: 925,000 pounds.* This figure was established at the Committee meeting held on October 19, 2016. The average estimated trade demand derived from six production area producer meetings held prior to the main meeting on October 19, 2016, was 960,400, which is 8,000 pounds more than the average of trade demand estimates submitted by handlers (952,400 pounds). Far West Scotch spearmint oil sales have averaged 1,021,786 pounds per year over the last three years, and 987,639 pounds over the last five years. Given the anticipated market conditions for the coming year, the Committee decided it was prudent to anticipate the lower trade demand at 925,000 pounds. Should the initially established volume regulation levels prove insufficient to adequately supply the market, the Committee has the authority to recommend intra-seasonal increases, as were undertaken in the 2014–2015 marketing year, and several other previous marketing years.

(C) *Salable quantity of Scotch spearmint oil required from the 2017–2018 marketing year production: 750,493 pounds.* This figure is the difference between the estimated 2017–2018 marketing year trade demand (925,000 pounds) and the estimated carry-in on June 1, 2017 (174,507 pounds). This salable quantity represents the minimum amount of Scotch spearmint oil that may be needed to satisfy estimated demand for the coming year.

(D) *Total estimated allotment base of Scotch spearmint oil for the 2017–2018 marketing year: 2,151,792 pounds.* This figure represents a one-percent increase over the 2016–2017 total allotment base

of 2,130,487 pounds as prescribed by the order under § 985.53(d)(1). The one-percent increase equals 21,305 pounds of Scotch spearmint oil. This total estimated allotment base is generally revised each year on June 1 due to producer base being lost because of the bona fide effort production provisions of § 985.53(e). The adjustment is usually minimal.

(E) *Computed Scotch spearmint oil allotment percentage for the 2017–2018 marketing year: 34.9 percent.* This percentage is computed by dividing the minimum required salable quantity (750,493 pounds) by the total estimated allotment base (2,151,792 pounds).

(F) *Recommended Scotch spearmint oil allotment percentage for the 2017–2018 marketing year: 36 percent.* This is the Committee's recommendation and is based on the computed allotment percentage (34.9 percent), and input from producers and handlers at the October 19, 2016, meeting. The recommended 36 percent allotment percentage reflects the Committee's belief that the computed percentage (34.9 percent) may not adequately supply the potential 2017–2018 Scotch spearmint oil market demand.

(G) *Recommended Scotch spearmint oil salable quantity for the 2017–2018 marketing year: 774,645 pounds.* This figure is the product of the recommended salable allotment percentage (36 percent) and the total estimated allotment base (2,151,792 pounds) for the 2017–2018 marketing year.

(H) *Estimated total available supply of Scotch spearmint oil for the 2017–2018 marketing year: 949,152 pounds.* This figure is the sum of the 2017–2018 recommended salable quantity (774,645 pounds) and the estimated carry-in on June 1, 2017 (174,507 pounds).

Class 3 (Native) Spearmint Oil

The Committee also recommended a 2017–2018 Native spearmint oil salable quantity of 1,075,051 pounds and an allotment percentage of 44 percent at the October 19, 2016, meeting. These figures represent a decrease of 134,495 pounds and 6 percent, respectively, from the salable quantity and allotment percentage established for the previous marketing year. To formulate this recommendation, the Committee utilized Native spearmint oil sales estimates for the 2017–2018 marketing year, as provided by several of the industry's handlers, as well as historical and current Native spearmint oil market statistics.

The Committee estimates that there will be 1,094,659 pounds of Native spearmint oil in the reserve pool on June 1, 2017. This figure, which is the excess Native spearmint oil production held in reserve by producers, is 499,305 pounds higher than the reserve pool held by producers on June 1, 2016. This would be the highest reserve pool level since 2004. Reserve pool levels of Native spearmint oil had been slowly moving toward the level that the Committee believes is optimal for the industry prior to the increases experienced in 2015 and 2016. The large year over year increase in Native spearmint oil held in reserve (84 percent) is the result of substantially increased production and only moderately increased industry trade demand.

Far West Native spearmint oil production was estimated at 1,510,936 pounds in 2015, compared to 1,694,684 pounds estimated for 2016. Although total estimated acres of Native spearmint production decreased by 164 acres, yield per acre has risen from 145.8 in 2015 to 166.2 pounds per acre this year. Conversely, sales of Native spearmint oil, which were increasing at about a 4 percent rate from 2009 to 2014, dropped by 12 percent for the 2015–2016 marketing year.

Despite Committee statistics that indicate a sharp drop for Far West Native spearmint oil sales from the previous marketing year (2015–2016), monthly sales, to date, for the 2016–2017 marketing year have been moderately stronger. The Committee expects this trend to continue, even as imports of spearmint oil are also rising. Canada more than doubled its shipments of spearmint oil into the U.S. market from 2014 to 2015, and Chinese shipments are up 14 percent over the same period. While it is a common practice for buyers to mix U.S. and foreign-produced oils to create a final product with a certain flavor profile, the greatest percentage of oil in those blends continues to be from the Far West. The Committee and the industry expect that practice to continue into the future.

One exception to the rising trend in spearmint oil imports, India has reduced shipments over the last two years. Recent reports used by the Committee indicate that spearmint oil produced in India is improving in quality, yet decreasing in acreage. Indian spearmint oil is increasingly regarded as an alternative to high quality, Far West Native spearmint oil, but production problems have limited its importation into the U.S. market. As a result, imports from India, while still in demand, decreased in the past year. However, spearmint oil from India may return as a major threat to the Far West Native spearmint oil industry's domestic market share in the future.

One of the factors considered by the Committee when it estimated trade demand was that sales of mint products, both domestically and abroad, have slowed down. This is largely the result of slowing economies in Europe and Asia. In addition, demand is expected to be impacted by the purchasing patterns of end users. Over the last several years, end users may have been building reserve stocks of Far West oil when prices were low as a hedge against future price increases. End users of spearmint oil are expected to continue to rely on Far West production as their main source of high quality Native spearmint oil, but demand may be at lower quantities moving forward in response to the current market factors. However, Committee members remain optimistic that demand will rise again in the long term.

As such, spearmint oil handlers, who regularly help predict trade demand for Far West Native spearmint oil, estimate demand to range between 1,300,000 and 1,400,000 pounds (with an average of 1,320,000 pounds) for the 2017–2018 marketing year. This estimate is the same as the estimate for the previous marketing year. The Committee used the handlers' input when it estimated the 2017–2018 marketing year Native spearmint oil trade demand to be 1,250,000 pounds. This figure is 25,000 pounds less than the figure used in the previous marketing year and approximately 75,000 pounds below the 3-year average sales figure (1,324,560 pounds).

The estimated carry-in of 189,820 pounds of Native spearmint oil on June 1, 2017, in conjunction with the Committee recommended salable quantity of 1,075,051 pounds, results in an estimated total available supply of 1,264,871 pounds of Native spearmint oil during the 2017–2018 marketing year. With estimated trade demand of 1,250,000 pounds for the 2017–2018 marketing year, the Committee projects that 14,871 pounds of Native spearmint oil will be carried into the 2018–2019 marketing year, a reduction of 174,909 pounds from the estimated 2017–2018 marketing year carry-in. The Committee estimates that there will be 1,094,659 pounds of Native spearmint oil held in the reserve pool at the beginning of the 2017–2018 marketing year. Should the industry experience an unexpected increase in trade demand during the 2017–2018 marketing year, Native spearmint oil in the reserve pool could be released to satisfy that demand.

The Committee's stated intent in the use of marketing order volume

regulation provisions for Native spearmint oil is to keep adequate supplies available to meet market needs while maintaining orderly marketing conditions. With that in mind, the Committee developed its recommendation for the Native spearmint oil salable quantity and allotment percentage for the 2017–2018 marketing year based on the information discussed above, as well as the data outlined below.

(A) *Estimated carry-in of Native spearmint oil on June 1, 2017: 189,820 pounds.* This figure is the difference between the revised 2016–2017 marketing year total available supply of 1,430,820 pounds and the revised 2016–2017 marketing year estimated trade demand of 1,241,000 pounds.

(B) *Estimated trade demand of Native spearmint oil for the 2017–2018 marketing year: 1,250,000 pounds.* This estimate was established by the Committee and is based on input from producers at six Native spearmint oil production area meetings held in mid-October 2016, as well as estimates provided by handlers and other meeting participants at the October 19, 2016, main meeting. This figure represents a decrease of 25,000 pounds from the previous year's estimate. The average estimated trade demand for Native spearmint oil from the six production area grower's meetings was 1,287,500 pounds, whereas the handlers' estimates ranged from 1,300,000 to 1,400,000 pounds. The average of Far West Native spearmint oil sales over the last three years is 1,324,560 pounds. However, the quantity marketed over the most recent full marketing year, 2015–2016, was 1,241,140 pounds. The Committee chose to be conservative in the establishment of its trade demand estimate for the 2017–2018 marketing year to avoid oversupplying the market in the face of increasing production.

(C) *Salable quantity of Native spearmint oil required from the 2017–2018 marketing year production: 1,060,180 pounds.* This figure is the difference between the estimated 2017–2018 marketing year estimated trade demand (1,250,000 pounds) and the estimated carry-in on June 1, 2017 (189,820 pounds). This is the minimum amount of Native spearmint oil that the Committee believes will be required to meet the anticipated 2017–2018 marketing year trade demand.

(D) *Total estimated allotment base of Native spearmint oil for the 2017–2018 marketing year: 2,443,297 pounds.* This figure represents a one-percent increase over the 2016–2017 total allotment base of 2,419,106 pounds as prescribed by the order in § 985.53(d)(1). The one-percent increase equals 24,191 pounds of Native spearmint oil. This estimate is generally revised each year on June 1 due to producer base being lost because of the bona fide effort production provisions of § 985.53(e). The revision is usually minimal.

(E) *Computed Native spearmint oil allotment percentage for the 2017–2018 marketing year: 43.4 percent.* This percentage is calculated by dividing the required salable quantity (1,060,180 pounds) by the total estimated allotment base (2,443,297 pounds) for the 2017–2018 marketing year.

(F) *Recommended Native spearmint oil allotment percentage for the 2017–2018 marketing year: 44 percent.* This is the Committee's recommendation based on the computed allotment percentage (43.4 percent), the average of the computed allotment percentage figures from the six production area meetings (46.7 percent), and input from producers and handlers at the October 19, 2016, meeting. The recommended 44 percent allotment percentage is also based on the Committee's belief that the computed percentage (43.4 percent) may not adequately supply the potential market for Native spearmint oil in the 2017–2018 marketing year.

(G) *Recommended Native spearmint oil 2017–2018 marketing year salable quantity: 1,075,051 pounds.* This figure is the product of the recommended allotment percentage (44 percent) and the total estimated allotment base (2,443,297 pounds).

(H) *Estimated available supply of Native spearmint oil for the 2017–2018 marketing year: 1,264,871 pounds.* This figure is the sum of the 2017–2018 recommended salable quantity (1,075,051 pounds) and the estimated carry-in on June 1, 2017 (189,820 pounds).

Under volume regulation, the salable quantity is the total quantity of each class of spearmint oil that handlers may purchase from, or handle on behalf of, producers during a marketing year. Each producer is allotted a share of the salable quantity by applying the allotment percentage to the producer's allotment base for the applicable class of spearmint oil.

The Committee's recommended Scotch and Native spearmint oil salable quantities and allotment percentages of 774,645 pounds and 36 percent, and 1,075,051 pounds and 44 percent, respectively, are based on the goal of maintaining market stability. The Committee anticipates that this goal will be achieved by matching the available supply of each class of spearmint oil to the estimated demand of each, thus avoiding extreme fluctuations in inventories and prices.

The salable quantities established by this final rule are not expected to cause a shortage of spearmint oil supplies. Any unanticipated or additional market demand for spearmint oil which may develop during the marketing year could be satisfied by an intra-seasonal increase in the salable quantity. The order contains a provision in § 985.51 for intra-seasonal increases to allow the Committee the flexibility to respond quickly to changing market conditions.

Under volume regulation, producers who produce more than their annual allotments during the marketing year may transfer such excess spearmint oil to producers who have produced less than their annual allotment. In addition, on December 1 of each year, producers that have not transferred their excess spearmint oil to other producers must place their excess spearmint oil production into the reserve pool to be released in the future in accordance with market needs and under the Committee's direction.

This regulation is similar to regulations issued in prior seasons. The average initial allotment percentage for the five most recent marketing years for both Scotch and Native spearmint oil is 52.6 percent.

In conjunction with the issuance of this final rule, USDA has reviewed the Committee's marketing policy statement for the 2017–2018 marketing year. The Committee's marketing policy statement, a requirement whenever the Committee recommends volume regulation, fully meets the intent of § 985.51(b) of the order.

During its discussion of potential 2017–2018 salable quantities and allotment percentages, the Committee considered: (1) The estimated quantity of salable oil of each class held by producers and handlers; (2) the estimated demand for each class of oil; (3) the prospective production of each class of oil; (4) the total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year; (5) the quantity of reserve oil, by class, in storage; (6) producer prices of oil, including prices for each class of oil; and (7) general market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity. Conformity with USDA's ''Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders'' (*http://www.ams.usda.gov/publications/content/1982-guidelines-fruit-vegetable-marketing-orders*) has also been reviewed and confirmed.

The establishment of these salable quantities and allotment percentages allows for anticipated market needs. In determining anticipated market needs, the Committee considered historical sales, as well as changes and trends in production and demand. This rule also provides producers with information on the amount of spearmint oil that should be produced for the 2017 production season in order to meet anticipated market demand.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are eight spearmint oil handlers subject to regulation under the order, approximately 41 producers of Scotch spearmint oil, and approximately 94 producers of Native spearmint oil in the regulated production area. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,500,000, and small agricultural producers are defined as those having annual receipts of less than $750,000 (13 CFR 121.201).

Based on the SBA's definition of small entities, the Committee estimates that two of the eight handlers regulated by the order could be considered small entities. Most of the handlers are large corporations involved in the international trading of essential oils and the products of essential oils. In addition, the Committee estimates that 12 of the 41 Scotch spearmint oil producers, and 31 of the 94 Native spearmint oil producers could be classified as small entities under the SBA definition. Thus, a majority of handlers and producers of Far West spearmint oil may not be classified as small entities.

This final rule establishes the quantity of spearmint oil produced in the Far West, by class, which handlers may purchase from, or handle on behalf of, producers during the 2017–2018 marketing year. The Committee recommended this rule to help maintain stability in the spearmint oil market by matching supply to estimated demand, thereby avoiding extreme fluctuations in supplies and prices. Establishing quantities that may be purchased or handled during the marketing year through volume regulations allows producers to coordinate their spearmint oil production with the expected market demand. Authority for this action is provided in §§ 985.50, 985.51, and 985.52 of the order.

The Far West spearmint oil industry is characterized by producers whose farming operations generally involve more than one commodity, and whose income from farming operations is not exclusively dependent on the production of spearmint oil. A typical spearmint oil producing operation has enough acreage for rotation such that the total acreage required to produce the crop is about one-third spearmint and two-thirds rotational crops. Thus, the typical spearmint oil producer has to have considerably more acreage than is planted to spearmint during any given season. Crop rotation is an essential cultural practice in the production of spearmint oil for purposes of weed, insect, and disease control. To remain economically viable with the added costs associated with spearmint oil production, a majority of spearmint oil producing farms fall into the SBA category of large businesses.

Small spearmint oil producers generally are not as extensively diversified as larger ones and, as such, are more at risk from market fluctuations. Such small producers generally need to market their entire annual production of spearmint oil and are not financially able to hold spearmint oil for sale in future years. In addition, small producers generally do not have a large assortment of other crops to cushion seasons with poor spearmint oil returns.

Conversely, large diversified producers have the potential to endure one or more seasons of poor spearmint oil markets because income from alternate crops could support their operation for a period of time. Reasonable assurance of a stable price and market provides all producing entities with the ability to maintain proper cash flow and to meet annual expenses.

Costs to producers and handlers, large and small, resulting from this rule are expected to be offset by the benefits derived from a more stable market and increased returns. The benefits of this rule are expected to be equally available to all producers and handlers regardless of their size.

Instability in the spearmint oil sub-sector of the mint industry is much more likely to originate on the supply side than the demand side. Fluctuations in yield and acreage planted from season to season tend to be larger than fluctuations in the amount purchased by handlers. Historically, demand for spearmint oil tends to change slowly from year to year.

Demand for spearmint oil at the farm level is derived from retail demand for spearmint-flavored products such as chewing gum, toothpaste, and mouthwash. The manufacturers of these products are by far the largest users of spearmint oil. However, spearmint flavoring is generally a very minor component of the products in which it is used, so changes in the raw product price have little impact on the retail prices for those goods.

In 2013, 2014, and 2015, the Committee set salable percentages at levels that resulted in most, if not all, of the spearmint oil production being made available to the market. This was in response to the increased demand for spearmint oil from the Far West due to increased utilization by end users and the reduced supply of spearmint oil coming from other production areas, both domestic and foreign.

Although there is still strong demand for spearmint oil, competing areas (mainly Canada) have experienced better than expected production in 2015 and 2016, and will create some marketing pressure for spearmint oil from the Far West. In addition, the slowing of international markets for spearmint-flavored products has negatively impacted the demand for domestically produced spearmint oil. Thus, the lower salable quantities and allotment percentages recommended by the Committee for the 2017–2018 marketing year are intended to be responsive to the changing environment of the spearmint oil market.

In the late 1990s, the Committee recommended higher than normal salable quantities and allotment percentages in hopes of gaining market share. This approach did not work. In the following years, the salable quantities and allotment percentages were established at lower levels in order to reduce the excess spearmint oil production and resulting build-up of inventory. In order to avoid a similar scenario moving forward, the Committee, relying heavily on the information provided to them by spearmint oil handlers during the October 19, 2016, meeting, ultimately recommended reducing the 2017–2018 marketing year salable quantities and allotment percentages from the previous

year to better align the available supply with market demand.

The Committee reported that recent producer prices for spearmint oil are $16.50 to $18.00 per pound. Average producer prices for all types of spearmint oil for the production years 2013–2015 at $18.79, $19.21, and $18.32 per pound, respectively. These are computed price averages for Washington, Oregon, and Idaho combined, based on USDA's National Agricultural Statistics Service (NASS) data.

Spearmint oil production tends to be cyclical. Prior to the inception of the marketing order in 1980, extreme variability in producer prices was common. For example, the season average producer price for Washington Native spearmint oil in 1971 was $3.00 per pound. By 1975, the producer price had risen to $11.00 per pound, an increase of over 260 percent in just four years. Such fluctuations were not unusual in the spearmint oil industry in the years leading up to the promulgation of the order. For most producers, this was an untenable situation. Years of relatively high spearmint oil production, with demand remaining relatively stable, led to periods in which large producer stocks of unsold spearmint oil depressed producer prices. Shortages and high prices followed in subsequent years, as producers responded to price signals by cutting back production.

After establishment of the order, the supply and price variability in the spearmint oil market moderated. During the 25-year period from 1982 to 2006, the season average producer price for Native spearmint oil ranged from a high of $11.10 to a low of $9.00 per pound, or a difference of 23 percent. No change in producer price from one year to the next during this period was more than $1.00 per pound. This is a remarkable record of price stability. From 2006 to 2008, when production contracts tied to input costs were prevalent in the industry, the annual average Native spearmint oil producer price jumped by $3.80 per pound. During this time period, prices for fuel, fertilizer, and labor increased dramatically, resulting in higher contracted producer prices, and a resulting concurrent increase in the overall season average producer price for the industry.

The significant variability of the spearmint oil market is illustrated by the fact that the coefficient of variation, or CV (a standard measure of variability), of Far West spearmint oil producer prices for the period 1980–2015 (when the marketing order was in effect) is 0.24, compared to 0.36 for the decade prior to the promulgation of the order (1970–79) and 0.49 for the prior 20-year period (1960–79). The coefficient of variation, as presented herein, was calculated by USDA from information provided by the Committee and NASS. This analysis provides an indication of the price stabilizing impact of the marketing order as higher CV values correspond to greater variability.

According to information compiled by the Committee, the lowest level of production in a marketing year since the establishment of the order was about 47 percent of the 36-year average (1.96 million pounds from 1980 through 2015) and the largest crop was approximately 157 percent of the 36-year average. A key consequence is that, in years of oversupply and low prices, the season average producer price of spearmint oil is below the average cost of production (as measured by the Washington State University Cooperative Extension Service).

The wide fluctuations in supply and prices that result from the cyclical nature of the spearmint oil industry, which were even more pronounced before the creation of the order, can create liquidity problems for some producers. The order was designed to reduce the price impacts of the cyclical swings in production. However, producers have been less able to weather these cycles in recent years because of increases to production costs. While prices for spearmint oil have been relatively steady, the cost of production has increased to the extent that plans to plant spearmint may be postponed or vacated indefinitely. Producers may also be enticed by the prices of alternative crops and their lower cost of production.

In an effort to stabilize prices, the spearmint oil industry uses the volume regulation mechanisms authorized under the order. This authority allows the Committee to recommend a salable quantity and allotment percentage for each class of oil for the upcoming marketing year. The salable quantity for each class of oil is the total volume of spearmint oil produced in a marketing year that producers may sell during that same marketing year. The allotment percentage for each class of spearmint oil is derived by dividing the salable quantity by the total allotment base.

Each producer is then issued an annual allotment certificate, in pounds, for the applicable class of oil. This is calculated by multiplying the producer's allotment base by the applicable allotment percentage. This is the amount of oil of each applicable class that the producer can market under the order.

By December 1 of each year, the Committee identifies any oil that individual producers have produced above the volume specified on annual allotment certificates. Prior to December 1, such excess oil can be transferred to another producer to fill a deficiency in that producer's annual allotment as provided for in § 985.156(a).

The order allows limited quantities of excess oil to be sold by one producer to another producer to fill production deficiencies during a marketing year. A deficiency occurs when on-farm production is less than a producer's annual allotment. When a producer has a deficiency, the producer may utilize their own reserve pool oil to fill that deficiency, or excess production (production of spearmint oil in excess of the producer's annual allotment) from another producer may also be secured to fill the deficiency. As mentioned previously, all of these provisions need to be exercised prior to December 1 of each year.

Excess spearmint oil not transferred to another producer to fill a deficiency is held in storage and, on December 1, is added to the reserve pool administered by the Committee pursuant to § 985.157. The Committee maintains the reserve pool for each class of spearmint oil. Once spearmint oil is placed in the reserve pool, such spearmint oil cannot enter the market during that marketing year unless USDA approves a Committee recommendation to increase the salable quantity and allotment percentage for a certain class of oil, subsequently making a portion of the reserve pool of that class of spearmint oil available to the market. Without an increase in the salable quantity and allotment percentage, spearmint oil placed in the reserve pool cannot be removed from the reserve pool and marketed in the marketing year in which it is initially placed in the reserve pool. However, producers may dispose of reserve spearmint oil from their own production, and held in their own account, under certain provisions in subsequent marketing years under the supervision of the Committee.

While the Committee administers the reserve pool of spearmint oil, ownership and physical possession of spearmint oil held in reserve does not transfer to the Committee. The Committee accounts for, and controls the release of, reserve spearmint oil, but does not take title to, nor dispose of, any such oil of its own accord or for its own benefit. Producers, at their sole discretion, make the decisions regarding the disposition of

oil held in the reserve pool under any one of three possible mechanisms.

Section 985.57(b) details the conditions under which a producer may dispose of their reserve pool spearmint oil. First, producers may utilize reserve oil from their own production to fill intra-seasonal increases in the allotment percentage and salable quantity. Second, producers may fill an ensuing year's annual allotment from spearmint oil held in the reserve pool. Lastly, producers may exchange salable oil of the same class and quantity of reserve oil from their own production to rotate stock, so long as the Committee is properly notified and the oil is properly identified.

In any given year, the total available supply of spearmint oil is composed of current production plus salable carryover stocks from the previous crop. The Committee seeks to maintain market stability by balancing supply and demand, and to close the marketing year with an appropriate level of salable spearmint oil to carry over into the subsequent marketing year. If the industry has production in excess of the salable quantity, the reserve pool absorbs the surplus quantity of spearmint oil, thereby withholding it from the market, unless such oil is needed to fill unanticipated intra-seasonal increases in demand. In this way, excess spearmint oil is not allowed to oversupply the market and create price instability. Likewise, if production is insufficient in any given year to fully supply the market with spearmint oil, the reserve pool oil can be released to satisfy the market demand until production can be increased.

Therefore, under its provisions, the order may attempt to stabilize prices by (1) regulating supply and establishing reserves in high production years, thus minimizing the price-depressing effect that excess producer stocks have on unsold spearmint oil, and (2) ensuring that stocks are available in short supply years when prices would otherwise increase dramatically. Reserve pool stocks, which increase in high production years, are drawn down in years where the crop is short.

An econometric model generated by USDA was used to assess the impact that volume regulation has on the prices producers receive for their commodity. Without volume regulation, spearmint oil markets would likely be over-supplied. This could result in low producer prices and a large volume of oil stored and carried over to the next crop year. The model estimates how much lower producer prices would likely be in the absence of volume regulation.

The Committee estimated trade demand for the 2017–2018 marketing year for both classes of oil at 2,175,000 pounds, and that the expected combined salable carry-in will be 364,327 pounds. This results in a combined required salable quantity of 1,810,673 pounds (2,175,000 pounds of total trade demand less 364,327 pounds of total carry-in) for the 2017–2018 marketing year. Under volume regulation, total sales of spearmint oil by producers for the 2017–2018 marketing year will be held to 2,214,023 pounds (the recommended salable quantity for both classes of spearmint oil of 1,849,696 pounds plus 364,327 pounds of carry-in). This total available supply of 2,214,023 pounds should be more than adequate to supply the 2,175,000 pounds of anticipated total trade demand for spearmint oil. In addition, as of June 1, 2016, the total reserve pool for both classes of spearmint oil stood at 611,291 pounds. Furthermore, that quantity is expected to rise over the course of the 2016–2017 marketing year. Should trade demand increase unexpectedly during the 2017–2018 marketing year, reserve pool spearmint oil could be released into the market to supply that increase in demand.

The recommended allotment percentages, upon which 2017–2018 producer allotments are based, are 36 percent for Scotch spearmint oil and 44 percent for Native spearmint oil. Without volume regulation, producers would not be held to these allotment levels, and could produce and sell an unrestricted quantity of spearmint oil. The USDA econometric model estimated that the season average producer price per pound (from both classes of spearmint oil) would decline about $2.45 per pound as a result of the higher quantities of spearmint oil that would be produced and marketed without volume regulation. The surplus situation for the spearmint oil market that would exist without volume regulation in 2017–2018 also would likely dampen prospects for improved producer prices in future years because of the buildup in stocks.

The use of volume regulation allows the industry to fully supply spearmint oil markets while avoiding the negative consequences of over-supplying these markets. The use of volume regulation is believed to have little or no effect on consumer prices of products containing spearmint oil and would not result in fewer retail sales of such products.

The Committee discussed alternatives to the recommendations contained in this rule for both classes of spearmint oil. The Committee discussed and rejected the idea of not regulating any volume for both classes of spearmint oil because of the severe price-depressing effects that would likely occur without volume regulation. The alternative to establish salable quantities and allotment percentages at the 2016–2017 marketing year's levels was discussed, but not put to any motion, for both classes of oil. The Committee also discussed and considered salable quantities and allotment percentages that were above and below the levels that were ultimately recommended for Scotch spearmint oil. Ultimately, the action taken by the Committee was to decrease the salable quantities and allotment percentages for both Class 1 and Class 3 spearmint oil from the current 2016–2017 marketing year levels.

As noted earlier, the Committee's recommendation to establish salable quantities and allotment percentages for both classes of spearmint oil was made after careful consideration of all available information including: (1) The estimated quantity of salable oil of each class held by producers and handlers; (2) the estimated demand for each class of oil; (3) the prospective production of each class of oil; (4) the total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year; (5) the quantity of reserve oil, by class, in storage; (6) producer prices of oil, including prices for each class of oil; and (7) general market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity.

Based on its review, the Committee believes that the salable quantities and allotment percentages recommended will achieve the objectives sought. The Committee also believes that, should there be no volume regulation in effect for the upcoming marketing year, the Far West spearmint oil industry would return to the pronounced cyclical price patterns that occurred prior to the promulgation of the order. As previously stated, annual salable quantities and allotment percentages have been issued for both classes of spearmint oil since the order's inception. The salable quantities and allotment percentages established herein are expected to facilitate the goal of maintaining orderly marketing conditions for Far West spearmint oil for the 2017–2018 and future marketing years.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been

previously approved by OMB and assigned OMB No. 0581–0178, Vegetable and Specialty Crops. No changes are necessary in those requirements as a result of this action. Should any changes become necessary, they would be submitted to OMB for approval.

This final rule establishes the salable quantities and allotment percentages for Class 1 (Scotch) spearmint oil and Class 3 (Native) spearmint oil produced in the Far West during the 2017–2018 marketing year. Accordingly, this action will not impose any additional reporting or recordkeeping requirements on either small or large spearmint oil producers or handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

As noted in the initial regulatory flexibility analysis, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

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

In addition, the Committee's meeting was widely publicized throughout the spearmint oil industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the October 19, 2016, meeting was a public meeting and all entities, both large and small, were able to express views on the issues presented.

A proposed rule concerning this action was published in the **Federal Register** on March 31, 2017 (82 FR 16001). A copy of the rule was provided to Committee staff, who in turn made it available to all Far West spearmint oil producers, handlers, and interested persons. Finally, the rule was made available through the internet by USDA and the Office of the Federal Register. A 30-day comment period ending May 1, 2017, was provided to allow interested persons to respond to the proposal. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because the 2017–2018 marketing year starts on June 1, 2017, and handlers will need to begin purchasing the spearmint oil allotted under this rulemaking. Further, handlers are aware of this rule, which was recommended at a public meeting. Finally, a 30-day comment period was provided for in the proposed rule, and no comments were received.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR part 985 is amended as follows:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

■ 1. The authority citation for part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 985.236 is added to read as follows:

§ 985.236 Salable quantities and allotment percentages—2017–2018 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year beginning on June 1, 2017, shall be as follows:

(a) Class 1 (Scotch) oil—a salable quantity of 774,645 pounds and an allotment percentage of 36 percent.

(b) Class 3 (Native) oil—a salable quantity of 1,075,051 pounds and an allotment percentage of 44 percent.

Dated: May 19, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–10679 Filed 5–24–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 5

[Docket No. FAA–2009–0671; Amdt. No. 5–1A]

RIN 2120–AJ86

Safety Management System for Domestic, Flag and Supplemental Operations Certificate Holders; Technical Amendment

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This technical amendment corrects an error in the final rule titled Safety Management System for Domestic, Flag and Supplemental Operations Certificate Holders, published on January 8, 2015. In that rule, the FAA amended its regulations to require air carriers conducting domestic, flag and supplemental operations to put a safety management system (SMS) in place by 2018.

DATES: This rule is effective May 25, 2017.

FOR FURTHER INFORMATION CONTACT: Scott Van Buren, Chief System Engineer for Aviation Safety, Office of Accident Investigation and Prevention (AVP), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 494–8417; facsimile: (202) 267–3992; email: *scott.vanburen@faa.gov.*

SUPPLEMENTARY INFORMATION:

Good Cause for Immediate Adoption Without Prior Notice

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency for ''good cause'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without seeking comment prior to the rulemaking.

Section 553(d)(3) of the Administrative Procedure Act requires that agencies publish a rule not less than 30 days before its effective date, except as otherwise provided by the agency for good cause found and published with the rule.

This technical amendment corrects an erroneous cross-reference in § 5.71(a)(6). This correction will not impose any additional restrictions on the persons

affected by these regulations. Furthermore, any additional delay in making the regulations correct would be contrary to the public interest because it would allow an error in the FAA's regulations to persist for a longer period of time. Accordingly, the FAA finds that (i) public comment on these standards prior to promulgation is unnecessary, and (ii) good cause exists to make this rule effective in less than 30 days.

Background

In the final rule titled *Safety Management System for Domestic, Flag and Supplemental Operations Certificate Holders,* published on January 8, 2015 (80 FR1308), the FAA required air carriers operating under part 121 to develop and implement a safety management system (SMS) to improve the safety of its aviation-related activities. This rule is found in title 14 of the Code of Federal Regulations, part 5. Part 5 consists of six subparts: Subparts A through F.

Section 5.71(a)(6) requires a certificate holder to develop and maintain processes and systems to monitor potential non-compliance with safety risk controls developed through the safety risk management process. The safety risk management process is set out in Subpart C of part 5, but § 5.71(a)(6) erroneously cross-references Subpart B of part 5. Accordingly, this amendment corrects the cross-reference in § 5.71(a)(6) to refer to Subpart C of part 5.

Technical Amendment

The technical amendment corrects § 5.71(a)(6) so that it references Subpart C instead of Subpart B of part 5.

List of Subjects in 14 CFR Part 5

Air carriers, Aircraft, Airmen, Aviation Safety, Reporting and recordkeeping requirements, Safety and transportation.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations as follows:

PART 5—SAFETY MANAGEMENT SYSTEMS

■ 1. The authority citation for part 5 continues to read as follows:

Authority: Pub. L. 111–216, sec. 215 (Aug.1, 2010); 49 U.S.C. 106(f), 106(g), 40101,40113, 40119, 41706, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 46105.

§ 5.71 [Amended]

■ 2. In § 5.71, paragraph (a)(6), remove the reference ''subpart B'' and add, in its place, the reference ''subpart C''.

Issued under the authority provided by 49 U.S.C. 106(f), 44701(a)(5) and Sec. 215 of Public Law 111–216, 124 Stat. 2350 (49 U.S.C. 44701 note) in Washington, DC, on May 18, 2017.

Lirio Liu,

Director, Office of Rulemaking.

[FR Doc. 2017–10739 Filed 5–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0123; Directorate Identifier 2016–NM–033–AD; Amendment 39–18889; AD 2017–10–15]

RIN 2120–AA64

Airworthiness Directives; Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.) Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Defense and Space S.A. Model CN–235, CN–235–100, CN–235–200, CN–235–300, and C–295 airplanes. This AD was prompted by a reported inability to extend the external handle of the emergency door from its recess due to a jammed spring mechanism. This AD requires a one-time functional check of each emergency door handle, and corrective actions if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 29, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of June 29, 2017.

ADDRESSES: For service information identified in this final rule, contact EADS–CASA, Military Transport Aircraft Division (MTAD), Integrated Customer Services (ICS), Technical Services, Avenida de Aragón 404, 28022 Madrid, Spain; telephone: +34 91 585 55 84; fax: +34 91 585 55 05; email: *MTA.TechnicalService@casa.eads.net;* Internet: *http://www.eads.net.* 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–2017–0123.

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–2017–0123; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–1112; fax: 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Defense and Space S.A. Model CN–235, CN–235–100, CN–235–200, CN–235–300, and C–295 airplanes. The NPRM published in the **Federal Register** on February 28, 2017 (82 FR 12074) (''the NPRM''). The NPRM was prompted by a reported inability to extend the external handle of the emergency door from its recess due to a jammed spring mechanism. The NPRM proposed to require a one-time functional check of each emergency door handle, and corrective actions if necessary. We are issuing this AD to detect and correct jamming of the door spring mechanism, which could lead to the inability to push out the emergency door external handle from its position normally aligned with the door skin. This condition could result in the inability to open the emergency door from outside during an emergency.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2016–0051, dated March 11, 2016 (referred to after this as the Mandatory Continuing

Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Defense and Space S.A. Model CN–235, CN–235–100, CN–235–200, CN–235–300, and C–295 airplanes. The MCAI states:

Failure to extend the external handle of emergency door from its recess was reported. As a consequence, it was impossible to open the rear emergency door from outside. Subsequent investigation determined that jamming of the door spring mechanism led to failure pushing out the emergency door external handle from its position normally aligned with the door skin.

This condition, if not detected and corrected, could lead to failure to open the emergency door from outside in an emergency.

To address this potential unsafe condition, Airbus Defence&Space (D&S) issued Alert Operators Transmission (AOT) AOT–CN235–52–0001 and AOT–C295–52–0001 to provide inspection instructions [and corrective actions if necessary].

For the reasons described above, this [EASA] AD requires a one-time functional check of [each of] the affected emergency door external handle[s] and, depending on findings, [detailed visual inspection for damage or unexpected material and] corrective action [repair]. This [EASA] AD also requires reporting the check result.

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–2017–0123.

Comments

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

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

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

Related Service Information Under 1 CFR Part 51

We reviewed the following Airbus Defense and Space service information.

- Airbus Defense and Space Alert Operators Transmission AOT–CN235–52–0001, dated September 4, 2014.
- Airbus Defense and Space Alert Operators Transmission AOT–C295–52–0001, dated September 4, 2014.

The service information describes procedures for a one-time functional check of each emergency door handle and corrective actions if necessary. These documents are distinct since they apply to different airplane models. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 27 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Functional Check:	1 work-hour × $85 per hour = $85	$0	$85	$2,295
Reporting	1 work-hour × $85 per hour = $85	0	85	2,295

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

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES–200.

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–10–15 Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.): Amendment 39–18889; Docket No. FAA–2017–0123; Directorate Identifier 2016–NM–033–AD.

(a) Effective Date

This AD is effective June 29, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.) Model CN–235, CN–235–100, CN–235–200, CN–235–300, and C–295 airplanes, certificated in any category, all manufacturer serial numbers.

(d) Subject

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

(e) Reason

This AD was prompted by a reported inability to extend the external handle of the emergency door from its recess due to a jammed spring mechanism. We are issuing this AD to detect and correct jamming of the door spring mechanism, which could lead to the inability to push out the emergency door external handle from its position normally aligned with the door skin. This condition could result in the inability to open the emergency door from outside during an emergency.

(f) Compliance

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

(g) One Time Functional Check

Within 30 days after the effective date of this AD, do a one-time functional check of each emergency door handle in accordance with Airbus Defense and Space Alert Operators Transmission AOT–CN235–52–0001, dated September 4, 2014; or Airbus Defense and Space Alert Operators Transmission AOT–C295–52–0001, dated September 4, 2014; as applicable.

(h) Additional Actions for Discrepancies

If any discrepancy (non-working emergency door handle) is found during the functional check required by paragraph (g) of this AD, before further flight, do the actions required by paragraphs (h)(1) and (h)(2) of this AD.

(1) Accomplish a detailed visual inspection for damage and unexpected material in accordance with Airbus Defense and Space Alert Operators Transmission AOT–CN235–52–0001, dated September 4, 2014; or Airbus Defense and Space Alert Operators Transmission AOT–C295–52–0001, dated September 4, 2014; as applicable.

(2) Repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus Defense and Space S.A.'s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(i) Reporting

Submit a report of the findings (both positive and negative) from the functional test required by paragraph (g) of this AD and the inspection required by paragraph (h)(1) of this AD to Airbus Defense and Space in accordance with the instructions of Airbus Defense and Space Alert Operators Transmission AOT–CN235–52–0001, dated September 4, 2014; or Airbus Defense and Space Alert Operators Transmission AOT–C295–52–0001, dated September 4, 2014; as applicable; at the applicable time specified in paragraph (i)(1) or (i)(2) of this AD.

(1) If the functional test or inspection was done on or after the effective date of this AD: Submit the report within 30 days after the functional test or inspection.

(2) If the functional test or inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(j) 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 (k)(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 EASA; or Airbus Defense and Space S.A.'s EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Reporting Requirements:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016–0051, dated March 11, 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–2017–0123.

(2) For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–1112; fax: 425–227–1149.

(l) Material Incorporated by Reference

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

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

(i) Airbus Defense and Space Alert Operators Transmission AOT–CN235–52–0001, dated September 4, 2014.

(ii) Airbus Defense and Space Alert Operators Transmission AOT–C295–52–0001, dated September 4, 2014.

(3) For service information identified in this AD, contact EADS–CASA, Military Transport Aircraft Division (MTAD), Integrated Customer Services (ICS), Technical Services, Avenida de Aragón 404, 28022 Madrid, Spain; telephone: +34 91 585 55 84; fax: +34 91 585 55 05; email: *MTA.TechnicalService@casa.eads.net*; Internet: *http://www.eads.net.*

(4) 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.

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

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

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10267 Filed 5–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9507; Directorate Identifier 2016–NM–127–AD; Amendment 39–18878; AD 2017–10–04]

RIN 2120–AA64

Airworthiness Directives; Embraer S.A. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Embraer S.A. Model EMB–120, –120ER, –120FC, –120QC, and –120RT airplanes. This AD was prompted by changes to the airworthiness limitations, which add life-limited landing gear parts not previously identified. This AD requires revising the maintenance or inspection program, as applicable, to incorporate new airworthiness limitations that add life limits for previously unidentified landing gear parts. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 29, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of June 29, 2017.

ADDRESSES: For service information identified in this final rule, contact Empresa Brasileira de Aeronautica S.A. (Embraer), Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227–901 São Jose dos Campos—SP—Brasil; telephone +55 12 3927–5852 or +55 12 3309–0732; fax +55 12 3927–7546; email *distrib@embraer.com.br;* Internet *http://www.flyembraer.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–2016–9507.

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–2016–9507; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1175; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Embraer S.A. Model EMB–120, –120ER, –120FC, –120QC, and –120RT airplanes. The NPRM published in the **Federal Register** on December 21, 2016 (81 FR 93647). The NPRM was prompted by changes to the airworthiness limitations, which add life-limited landing gear parts not previously identified. The NPRM proposed to require revising the maintenance or inspection program, as applicable, to incorporate new airworthiness limitations that add life limits for previously unidentified landing gear parts. We are issuing this AD to prevent life-limited landing gear parts from being used beyond their safe-life limits, which could lead to collapse of the landing gear.

The Agência Nacional de Aviação Civil (ANAC), which is the aviation authority for Brazil, has issued Brazilian Airworthiness Directive 2016–07–02, dated July 27, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Embraer S.A. Model EMB–120, –120ER, –120FC, –120QC, and –120RT airplanes. The MCAI states:

> This [Brazilian] AD was prompted by changes to the Airworthiness Limitation Section of the Maintenance Review Board Report MRB 120–HI–200, which add life-limited landing gear parts not previously identified. We are issuing this [Brazilian] AD to prevent life-limited landing gear parts from being used beyond their safe-life limits, which could lead to collapse of the landing gear.

This AD requires revising the maintenance or inspection program, as applicable, to incorporate new airworthiness limitations that add life limits for previously unidentified landing gear parts. 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–2016–9507.

Comments

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

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

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

Related Service Information Under 1 CFR Part 51

We reviewed the following Embraer service information:

- EMB–120 Brasilia Maintenance Review Board (MRB) Report, Temporary Revision 28–1, dated May 17, 2016. This service information adds life-limited landing gear parts not previously identified to the airworthiness limitations section.
- Alert Service Bulletin 120–32–A543, dated July 11, 2016. This service information provides procedures for replacement of affected parts.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 70 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Maintenance program revision	1 work-hour × $85 per hour = $85	$0	$85	$5,950

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–10–04 Embraer S.A.: Amendment 39–18878; Docket No. FAA–2016–9507; Directorate Identifier 2016–NM–127–AD.

(a) Effective Date

This AD is effective June 29, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Embraer S.A. Model EMB–120, EMB–120ER, EMB–120FC, EMB–120QC, and EMB–120RT airplanes, certificated in any category, all serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Reason

This AD was prompted by changes to the airworthiness limitations, which add life-limited landing gear parts not previously identified. We are issuing this AD to prevent life-limited landing gear parts from being used beyond their safe-life limits, which could lead to collapse of the landing gear.

(f) Compliance

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

(g) Revision of Maintenance or Inspection Program

Within 90 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, by incorporating the life-limited landing gear parts and the applicable safe-life limits identified in table 1 to paragraph (g) of this AD, as specified in EMB–120 Brasilia Maintenance Review Board (MRB) Report, Temporary Revision 28–1, dated May 17, 2016.

TABLE 1 TO PARAGRAPH (g) OF THIS AD—LIFE-LIMITED LANDING GEAR PARTS

Part No.	Description	Safe-life limits (landings)
19699–001–00	Pin drag strut, lower	104,054
19429–000–00	Piston tube (pre-modification Embraer Service Bulletin 120–032–0514)	30,000
19429–000–00	Piston tube (post-modification Embraer Service Bulletin 120–032–0514)	90,000
19946–001–00	Pin leg hinge	90,000
20030–001–00	Pin torque link	90,000
19437–000–00	Drag strut, upper half	104,054
20031–001–00	Pin drag strut hinge	104,054
19414–000–00	Piston tube	90,000
19919–000–00	Pin leg hinge	90,000

(h) Replace Affected Parts

The initial compliance time for the replacement of affected parts is specified in paragraphs (h)(1) and (h)(2) of this AD. Replace affected parts with serviceable parts, in accordance with the Accomplishment Instructions of Embraer Alert Service Bulletin 120–32–A543, dated July 11, 2016.

(1) Before the applicable safe-life limit identified in table 1 to paragraph (g) of this AD, or within 90 days after the effective date of this AD, whichever occurs later.

(2) Within 90 days after the effective date of this AD for parts on which the current status is unknown.

(i) Parts Installation Prohibition

As of the effective date of this AD, no person may install on any airplane a main landing gear part or nose landing gear part

having a part number identified in table 1 to paragraph (g) of this AD, if it has reached or exceeded its safe-life limit, or if its current status is unknown.

(j) No Alternative Actions and Intervals

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

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, 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 (l)(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 Agência Nacional de Aviação Civil (ANAC); or ANAC's authorized Designee. If approved by the ANAC Designee, the approval must include the Designee's authorized signature.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Brazilian AD 2016–07–02, dated July 27, 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–2016–9507.

(2) For more information about this AD, contact Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1175; fax 425–227–1149.

(m) Material Incorporated by Reference

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

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

(i) EMB–120 Brasilia Maintenance Review Board (MRB) Report, Temporary Revision 28–1, dated May 17, 2016.

(ii) Embraer Alert Service Bulletin 120–32–A543, dated July 11, 2016.

(3) For service information identified in this AD, contact Empresa Brasileira de Aeronautica S.A. (Embraer), Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227–901 São Jose dos Campos—SP—Brasil; telephone +55 12 3927–5852 or +55 12 3309–0732; fax +55 12 3927–7546; email *distrib@embraer.com.br;* Internet *http://www.flyembraer.com.*

(4) 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.

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

Issued in Renton, Washington, on May 2, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10284 Filed 5–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0158; Directorate Identifier 2016–CE–040–AD; Amendment 39–18902; AD 2017–11–03]

RIN 2120–AA64

Airworthiness Directives; DG Flugzeugbau GmbH Gliders

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for DG Flugzeugbau GmbH Model DG–500MB gliders that are equipped with a Solo 2625 02 engine that has been modified with a fuel injection system following the instructions of Solo Kleinmotoren GmbH Service Bulletin (SB)/Technische Mitteilung (TM) 4600–3 ''Fuel Injection System'' and re-identified as Solo 2625 02i. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as failure of the connecting rod bearing resulting from too much load on the rod bearings from the engine control unit. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective June 29, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publications listed in the AD as of June 29, 2017.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0158; or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

For service information identified in this AD, contact Solo Kleinmotoren GmbH, Postfach 600152, 71050 Sindelfingen, Germany; telephone: +49 703 1301–0; fax: +49 703 1301–136; email: *aircraft@solo-germany.com;* Internet: *http://aircraft.solo-online.com.* You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the Internet at *http://www.regulations.gov* by searching for Docket No. FAA–2017–0158.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to DG Flugzeugbau GmbH Model DG–500MB gliders. The NPRM was published in the **Federal Register** on March 2, 2017 (82 FR 12312). The NPRM proposed to correct an unsafe condition for the specified products and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country. The MCAI states:

> Several occurrences have been reported of connecting rod bearing failure.
>
> This condition, if not corrected, could lead to an uncommanded in-flight engine shut-down, possibly resulting in damage to the powered sailplane.
>
> To address this unsafe condition, Solo Kleinmotoren developed a software update for the engine control unit (ECU) to reduce the load on the rod bearings, and issued SB/TM 4600–6, providing instructions to upload the modified software into the ECU.

For the reason described above, this [EASA] AD requires a modification, updating the ECU software.

The MCAI can be found in the AD docket on the Internet at: *https://www.regulations.gov/document?D=FAA-2017-0158-0002.*

Comments

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

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial changes. We have determined that these minor changes:

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

Related Service Information Under 1 CFR Part 51

We reviewed Solo Kleinmotoren GmbH Technische Mitteilung (English translation: Service Bulletin), Nr. 4600–6, Ausgabe 1 (English translation: Issue 1), dated November 16, 2016. The service information describes procedures for a software update that provides new settings to the engine control unit (ECU) to lower the load on the bearings of the crankshaft. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of the AD.

Costs of Compliance

We estimate that this AD will affect 3 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of this AD on U.S. operators to be $510, 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 AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this AD:

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

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

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

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

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–2017–0158; 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 the NPRM, 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.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

2017–11–03 DG Flugzeugbau GmbH: Amendment 39–18902; Docket No. FAA–2017–0158; Directorate Identifier 2016–CE–040–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective June 29, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to DG Flugzeugbau GmbH Model DG–500MB gliders, all serial numbers, that are:

(1) Equipped with a Solo 2625 02 engine that has been modified with a fuel injection system following the instructions of Solo Kleinmotoren GmbH Service Bulletin (SB)/Technische Mitteilung (TM) 4600–3 ''Fuel Injection System'' and re-identified as Solo 2625 02i, and with a serial number (S/N) up to 369/207, except S/N's 354/194, 356/196, 357/197, 358/198, 361/201, 362/202, 363/203, 364/204, and 368/206; and

(2) certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 73: Engine Fuel & Control.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as failure of the connecting rod bearing resulting from too much load on the rod bearings from the engine control unit. We are issuing this AD to prevent such failure that could lead to an uncommanded in-flight engine shut-down, which could result in damage to the glider.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) and (2) of this AD:

(1) Within the next 60 days after June 29, 2017 (the effective date of this AD), modify the engine by installing a software update for the engine control unit (ECU) following the actions in Solo Kleinmotoren GmbH Technische Mitteilung (English translation: Service Bulletin), Nr. 4600–6, Ausgabe 1 (English translation: Issue 1), dated November 16, 2016.

(2) After the modification of an engine as required by paragraph (f)(1) of this AD, do not install a replacement ECU on that engine and do not upload any software update to the ECU of that engine unless the ECU software version is as specified in Solo Kleinmotoren

GmbH Technische Mitteilung (English translation: Service Bulletin), Nr. 4600–6, Ausgabe 1 (English translation: Issue 1), dated November 16, 2016.

Note 1 to paragraph (f)(1) and (2) of this AD: This service information contains German to English translation. The EASA used the English translation in referencing the document. For enforceability purposes, we will refer to the Solo Kleinmotoren service information as it appears on the document.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.* Before using any approved AMOC on any glider to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No.: 2016–0254, dated December 15, 2016, correction dated January 4, 2017, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0158.

(i) Material Incorporated by Reference

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

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

(i) Solo Kleinmotoren GmbH Technische Mitteilung (English translation: Service Bulletin), Nr. 4600–6, Ausgabe 1 (English translation: Issue 1), dated November 16, 2016.

(ii) Reserved.

Note 2 to paragraph (i)(2)(i) of this AD: This service information contains German to English translation. The EASA used the English translation in referencing the document. For enforceability purposes, we will refer to the Solo Kleinmotoren service information as it appears on the document.

(3) For Solo Kleinmotoren GmbH service information identified in this AD, contact Solo Kleinmotoren GmbH, Postfach 600152, 71050 Sindelfingen, Germany; telephone: +49 703 1301–0; fax: +49 703 1301–136; email: *aircraft@solo-germany.com;* Internet: *http://aircraft.solo-online.com.*

(4) You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. The MCAI can be found in the AD docket on the Internet at: *https://www.regulations.gov/document?D=FAA-2017-0158-0002.*

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

Issued in Kansas City, Missouri, on May 15, 2017.

Melvin Johnson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10392 Filed 5–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9524; Directorate Identifier 2016–NM–049–AD; Amendment 39–18891; AD 2017–10–17]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2014–16–19 for all Airbus Model A330–200 Freighter, –200, and –300 series airplanes. AD 2014–16–19 required revision of the maintenance or inspection program to include certain fuel airworthiness limitations. This new AD requires revision of the maintenance or inspection program, as applicable, to include new fuel airworthiness limitations. This new AD also removes certain airplanes from the applicability of AD 2014–16–19. This AD was prompted by the issuance of more restrictive fuel airworthiness limitations. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 29, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 29, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of September 25, 2014 (79 FR 49449, August 21, 2014).

ADDRESSES: For service information identified in this final rule, 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. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9524.

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–2016–9524; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: 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:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2014–16–19, Amendment 39–17943 (79 FR 49449, August 21, 2014) (''AD 2014–16–19''). AD 2014–16–19 applied to all Airbus Model A330–200 Freighter, –200, and –300 series airplanes. The NPRM published in the **Federal Register** on January 4, 2017 (82 FR 734). The NPRM was prompted by the issuance of more restrictive fuel airworthiness

limitations. The NPRM proposed to require revision of the maintenance or inspection program, as applicable, to include new fuel airworthiness limitations. The NPRM also proposed to remove certain airplanes from the applicability of AD 2014–16–19. We are issuing this AD to prevent the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2016–0065, dated April 5, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A330–200 Freighter series airplanes, Model A330–200 series airplanes, Model A330–300 series airplanes; and Model A340–200 series airplanes, Model A340–300 series airplanes, Model A340–500 series airplanes, and Model A340–600 series airplanes. The MCAI states:

Prompted by an accident * * *, the Federal Aviation Authority (FAA) published Special Federal Aviation Regulation (SFAR) 88, and the Joint Aviation Authorities (JAA) published Interim Policy INT/POL/25/12. A design review was conducted by Airbus to develop Fuel Airworthiness Limitations (FAL) for Airbus A330 and A340 aeroplanes in response to these regulations.

The FAL, which are approved by EASA, are defined and published in Airbus A330 and A340 Airworthiness Limitations Section (ALS) documents known as Part 5. Failure to comply with these instructions could result in a fuel tank explosion and consequent loss of the aeroplane.

EASA issued AD 2012–0168 [which corresponds with FAA AD 2014–16–19 for Model A330 airplanes, and FAA AD 2013–26–03, Amendment 39–17712 (78 FR 79292, December 30, 2013) for Model A340 airplanes] to require compliance with the FAL as specified in the A330 and A340 ALS Part 5 Revision 00.

Since that [EASA] AD was issued, Airbus issued Revision 01 of both ALS Parts 5 for Airbus A330 and A340 to introduce more restrictive maintenance requirements and/or airworthiness limitations.

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2012–0168, which is superseded, and requires accomplishment of the actions specified in Airbus A330 ALS Part 5 Revision 01, A340 ALS Part 5 Revision 01, as applicable (hereafter collectively referred to as 'the ALS' in this [EASA] AD).

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–2016–9524.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comment received. The Air Line Pilots Association, International expressed support for the NPRM.

Conclusion

We reviewed the available data, including the comment received, and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

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

Related Service Information Under 1 CFR Part 51

Airbus has issued Airbus A330 Airworthiness Limitations Section (ALS) Part 5—Fuel Airworthiness Limitations (FAL), Revision 01, dated October 28, 2015. These airworthiness limitations introduce more restrictive fuel airworthiness limitations. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 104 airplanes of U.S. registry.

The actions required by AD 2014–16–19, and retained in this AD, take about 1 work-hour per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that are required by AD 2014–16–19 is $85 per product.

We also estimate that it will take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $8,840, or $85 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 AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2014–16–19, Amendment 39–17943 (79 FR 49449, August 21, 2014), and adding the following new AD:

2017–10–17 Airbus: Amendment 39–18891; Docket No. FAA–2016–9524; Directorate Identifier 2016–NM–049–AD.

(a) Effective Date

This AD is effective June 29, 2017.

(b) Affected ADs

This AD replaces AD 2014–16–19, Amendment 39–17943 (79 FR 49449, August 21, 2014) (''AD 2014–16–19'').

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1) through (c)(3) of this AD, certificated in any category, with an original certificate of airworthiness or original export certificate of airworthiness issued on or before October 28, 2015.

(1) Airbus Model A330–223F and –243F airplanes.

(2) Airbus Model A330–201, –202, –203, –223, and –243 airplanes.

(3) Airbus Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by the issuance of more restrictive fuel airworthiness limitations. We are issuing this AD to prevent the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

(f) Compliance

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

(g) Retained Maintenance Program Revision and Airworthiness Limitations Compliance, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2014–16–19, with no changes.

(1) Within 3 months after September 25, 2014 (the effective date of AD 2014–16–19), revise the maintenance or inspection program, as applicable, by incorporating Airbus A330 Airworthiness Limitations Section (ALS) Part 5—Fuel Airworthiness Limitations (FAL), dated November 16, 2011.

(2) Comply with all applicable instructions and airworthiness limitations included in Airbus A330 ALS Part 5—FAL, dated November 16, 2011. The initial compliance times for the actions specified in Airbus A330 ALS Part 5—FAL, dated November 16, 2011, are at the later of the times specified in paragraphs (g)(2)(i) and (g)(2)(ii) of this AD, except as required by paragraphs (h) and (i) of this AD.

(i) Within the applicable compliance times specified in Airbus A330 ALS Part 5—FAL, dated November 16, 2011.

(ii) Within 3 months after accomplishing the actions required by paragraph (g)(1) of this AD.

(h) Retained Exceptions to Compliance Times for Design Changes, With No Changes

This paragraph restates the exceptions specified in paragraph (h) of AD 2014–16–19, with no changes.

(1) For type design changes specified in ''Sub-part 5–2 Changes to Type Design,'' of Airbus A330 ALS Part 5—FAL, dated November 16, 2011, the compliance times are defined as ''Embodiment Limits,'' except as defined in paragraph (h)(2) of this AD.

(2) Where Airbus A330 ALS Part 5—FAL, dated November 16, 2011, specifies a compliance time based on a calendar date for modifying the control circuit for the fuel pump of the center fuel tank (installing ground fault interrupters to the center tank fuel pump control circuit), the compliance date is September 18, 2016 (48 months after the effective date of AD 2012–16–05, Amendment 39–17152 (77 FR 48425, August 14, 2012)).

(i) Retained No Alternative Actions, Intervals, or Critical Design Configuration Control Limitations (CDCCLs), With Added Exception

This paragraph restates the requirements of paragraph (i) of AD 2014–16–19, with an added exception. Except as required by paragraph (j) of this AD: After accomplishing the revision required by paragraph (g)(1) of this AD, no alternative actions (*e.g.,* inspections), intervals, or CDCCLs may be used; except as specified in paragraph (h) of this AD; or unless the actions, intervals, or CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (l)(1) of this AD.

(j) New Requirement of This AD: Revise the Maintenance or Inspection Program

Within 3 months after the effective date of this AD, revise the maintenance or inspection program, as applicable, to incorporate Airbus A330 ALS Part 5—FAL, Revision 01, dated October 28, 2015. The compliance times for accomplishing the initial tasks specified in Airbus A330 ALS Part 5—FAL, Revision 01, dated October 28, 2015, are at the times specified in Airbus A330 ALS Part 5—FAL, Revision 01, dated October 28, 2015, or within 3 months after revising the maintenance or inspection program as required by paragraph (j) of this AD, whichever occurs later. Accomplishing the revision required by this paragraph terminates the actions required by paragraph (g) of this AD.

(k) New Requirement of This AD: No Alternative Actions, Intervals, or CDCCLs

After accomplishing the revision required by paragraph (j) of this AD, no alternative actions (*e.g.,* inspections), intervals, or CDCCLs may be used unless the actions, intervals, or CDCCLs 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.* 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:* 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 AD 2016–0065, dated April 5, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9524.

(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.

(n) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on June 29, 2017.

(i) Airbus A330 Airworthiness Limitations Section (ALS) Part 5—Fuel Airworthiness Limitations (FAL), Revision 01, dated October 28, 2015.

(ii) Reserved.

(4) The following service information was approved for IBR on September 25, 2014 (79 FR 49449, August 21, 2014).

(i) Airbus A330 Airworthiness Limitations Section (ALS) Part 5—Fuel Airworthiness Limitations (FAL), dated November 16, 2011. The cover page of this document is undated and identified as Revision 00.

(ii) Reserved.

(5) 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.*

(6) 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.

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

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

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10281 Filed 5–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9075; Directorate Identifier 2016–NM–082–AD; Amendment 39–18890; AD 2017–10–16]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 787–8 and 787–9 airplanes. This AD was prompted by a report indicating that a portion of the sealant above the engine pylon between the wing skin and the vapor barrier might have been omitted. This AD requires an inspection for missing sealant in the seam on the outside and inside of the engine struts, and corrective actions if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 29, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 29, 2017.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this 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–2016–9075.

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–2016–9075; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: David Lee, Aerospace Engineer, Propulsion Branch, ANM–140S, Seattle Aircraft Certification Office (ACO), FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6501; fax: 425–917–6590; email: *david.a.lee@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 787–8 and 787–9 airplanes. The NPRM published in the **Federal Register** on September 15, 2016 (81 FR 63433). The NPRM was prompted by a report indicating that a portion of the sealant above the engine pylon between the wing skin and the vapor barrier might have been omitted. The NPRM proposed to require an inspection for missing sealant in the seam on the outside and inside of the engine struts, and corrective actions if necessary. We are issuing this AD to detect and correct missing sealant above the engine pylon between the wing skin and the vapor barrier, which can create an unintended leak path for fuel, potentially draining onto the aft fairing heat shield above the engine and onto hot engine parts or brakes, which could lead to a major ground fire.

Comments

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

Support for the NPRM

Boeing and United Airlines (UAL) expressed support for the NPRM.

Request To Refer to Revised Service Information

UAL requested that we revise the proposed AD to refer to Issue 002 of Boeing Alert Service Bulletin B787–81205–SB570029–00. UAL stated that it disagrees with the finish requirement being an RC task. UAL pointed out that there is already an airworthiness limitation (AWL)/Critical Design Configuration Control Limitations (CDCCL) task, 51–AWL–01, for a paint requirement on the wing, resulting in a redundant AD requirement. UAL explained that Boeing plans to revise the service information to remove the requirement for applying finish over the newly applied sealant as a required for compliance (RC) task.

We do not agree with UAL's request to revise this AD. When we incorporate service information by reference, we refer to approved or published service information. At the time of this action, Issue 002 of Boeing Alert Service Bulletin B78781205–SB570029–00 is not approved or published. We do not consider that delaying this action until after the release of a service bulletin revision is warranted. Boeing Alert Service Bulletin B787–81205–SB570029–00, Issue 001, dated February 23, 2016, provides instructions that adequately address the missing sealant above the engine pylon between the wing skin and the vapor barrier, and provides the necessary steps to restore the finish disturbed by the required work.

In addition, although UAL stated that Boeing plans to eliminate the RC designation for the finish restoration steps, Boeing has not received agreement from the FAA that such a proposal would be approved. The proper restoration of the finish, and particularly the thickness of the entire set of finish layers, is safety critical for the reasons stated in the related AWL. We do not view the AD requirement for finish restoration to be redundant relative to the AWL. The AWL requires that, following maintenance, alteration, and repair activity, the finish must be restored to the specifications contained in the AWL. We, therefore, expect the data used for any maintenance, alteration, or repair activity that disturbs that finish (in this case Boeing Alert Service Bulletin B787–81205–SB570029–00, Issue 001, dated February 23, 2016) to contain instructions that result in restoration of the finish to the standard contained in the AWL. For

these reasons, we do not agree with elimination of the RC designation for the referenced steps.

We also do not agree that an operator can develop their own alternative finish restoration procedures without FAA or Boeing Commercial Airplanes Organization Designation Authorization (ODA) engineering review and approval of an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (h) of this AD. We have not changed this AD in this regard.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD as proposed, except for minor editorial changes. We have determined that these minor changes:

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin B787–81205–SB570029–00, Issue 001, dated February 23, 2016. The service information describes procedures for doing an inspection for missing sealant in the seam on the outside and inside of the engine struts, and installing missing sealant. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 32 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	3 work-hours × $85 per hour = $255	$0	$255	$8,160

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair	Up to 3 work-hours × $85 per hour = $255	(1)	(1)

[1] We have received no definitive data that will enable us to provide cost estimates for the on-condition material costs specified in this AD.

According to the manufacturer, some of the costs of this 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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–10–16 The Boeing Company: Amendment 39–18890; Docket No. FAA–2016–9075; Directorate Identifier 2016–NM–082–AD.

(a) Effective Date

This AD is effective June 29, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8 and 787–9 airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin B787–81205–SB570029–00, Issue 001, dated February 23, 2016.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report indicating that a portion of the sealant above the engine pylon between the wing skin and the vapor barrier might have been omitted. We are issuing this AD to detect and correct missing sealant above the engine pylon between the wing skin and the vapor barrier, which can create an unintended leak path for fuel, potentially draining onto the aft fairing heat shield and onto hot engine parts or brakes, which could lead to a major ground fire.

(f) Compliance

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

(g) Inspection and Corrective Actions

Within 60 months after the effective date of this AD: Do a general visual inspection for missing sealant in the seam on the outside and inside of the engine struts, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin B787–81205–SB570029–00, Issue 001, dated February 23, 2016. Do all applicable corrective actions before further flight, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin B787–81205–SB570029–00, Issue 001, dated February 23, 2016.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle 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 (i) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-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, Seattle 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) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (h)(4)(i) and (h)(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 sub-step is labeled ''RC Exempt,'' then the RC requirement is removed from that step or sub-step. 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.

(i) Related Information

For more information about this AD, contact David Lee, Aerospace Engineer, Propulsion Branch, ANM–140S, Seattle ACO, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6501; fax: 425–917–6590; email: *david.a.lee@faa.gov.*

(j) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin B787–81205–SB570029–00, Issue 001, dated February 23, 2016.

(ii) Reserved.

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

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

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

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

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10283 Filed 5–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9438; Directorate Identifier 2016–NM–109–AD; Amendment 39–18873; AD 2017–09–11]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc. Model DHC–8–400 series airplanes. This AD was prompted by reports of interruptions in the airstair door operation. This AD requires repetitive inspections and modification of the handrail hardware. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 29, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 29, 2017.

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@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. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9438.

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–2016–9438; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility,

U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Cesar A. Gomez, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7318; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc. Model DHC–8–400 series airplanes. The NPRM published in the **Federal Register** on December 16, 2016 (81 FR 91058) (''the NPRM''). The NPRM was prompted by reports of interruptions in the airstair door operation. The NPRM proposed to require repetitive inspections and modification of the handrail hardware. We are issuing this AD to ensure the ability to evacuate passengers through the airstair door in the event of an emergency.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2015–02, dated January 27, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc. Model DHC–8–400, –401, and –402 airplanes. The MCAI states:

> A number of airstair door operation interruptions have been reported. In one case, the airstair door could not be opened. It was found that the airstair door handrail holder bracket was deformed and became lodged into the adjacent wardrobe bulkhead, which prevented the door from opening.
>
> On airstair doors with Jetway Compatible option, a deformed handrail holder bracket or a failure of the pin retainer bracket can interfere with the operation of the airstair door and prevent it from opening.
>
> The airstair door is classified as an emergency exit. The inability to open an emergency exit could impede evacuation in the event of an emergency.
>
> This [Canadian] AD mandates the repetitive inspection of airstair door handrail hardware, and the modification of the handrail stowage hardware.

Required actions include applicable corrective actions (replacing or removing brackets, installing lanyards, adjusting pins, and adjusting affected parts of the assembly). 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–2016–9438.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comment received. The Air Line Pilots Association, International supported the NPRM.

Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

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

Related Service Information Under 1 CFR Part 51

Bombardier, Inc. issued Service Bulletin 84–52–79, Revision C, dated February 2, 2016. This service information describes procedures for a general visual inspection to detect deformities and cracks of the forward and aft handle holder brackets on the airstair handrail; a detailed visual inspection of the forward and aft pin retainer brackets for the condition of the lanyards and the pins; a check for unobstructed movement of the pin retainer brackets; and rework of the airstair door handrail to prevent damage to the bulkhead and to prevent the door from jamming once the handrails are stowed. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 82 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Repetitive inspections	1 work-hour × $85 per hour = $85 per inspection cycle.	$0	$85 per inspection cycle	$6,970 per inspection cycle.
Modification	3 work-hours × $85 per hour = $255	1,556	$1,811	$148,502.

We have received no definitive data that will enable us to provide cost estimates for the on-condition actions specified in this 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 AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative,

on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–09–11 Bombardier, Inc.: Amendment 39–18873; Docket No. FAA–2016–9438; Directorate Identifier 2016–NM–109–AD.

(a) Effective Date

This AD is effective June 29, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc. Model DHC–8–400, –401, and –402 airplanes, certificated in any category, serial numbers 4001 through 4473 inclusive, equipped with Bombardier ModSum 4–422100 or ModSum 4–458687 (Jetway Compatible Passenger Airstair Door).

(d) Subject

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

(e) Reason

This AD was prompted by reports of interruptions in the airstair door operation, including one case where the door would not open. The airstair door is classified as an emergency exit. We are issuing this AD to ensure the ability to evacuate passengers through the airstair door in the event of an emergency.

(f) Compliance

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

(g) Repetitive Inspections of the Forward and Aft Handle Holder Brackets and Forward and Aft Pin Retainer Brackets, Repetitive Checks, and Corrective Actions

Within 600 flight hours after the effective date of this AD, perform a general visual inspection of the forward and aft handle holder brackets for damage, such as visible cracks and deformation; a detailed visual inspection of the forward and aft pin retainer brackets to make sure that both lanyards are installed and to make sure that the head of each pin is installed correctly; a check of the pin retainer brackets for unobstructed movement; an operational check of the forward passenger door; and all applicable corrective actions; in accordance with PART A1 and PART A2 of the Accomplishment Instructions of Bombardier Service Bulletin 84–52–79, Revision C, dated February 2, 2016, except as required by paragraphs (g)(1), (g)(2), and (g)(3) of this AD. Do all applicable corrective actions before further flight. Repeat the inspections and checks thereafter at intervals not to exceed 600 flight hours until the terminating action required by paragraph (h) of this AD is accomplished.

(1) If one or both lanyards are missing, before further flight, install lanyards as specified in, and in accordance with PART A1 of the Accomplishment Instructions of Bombardier Service Bulletin 84–52–79, Revision C, dated February 2, 2016.

(2) If a pin is not installed correctly, as specified in PART A1 of the Accomplishment Instructions of Bombardier Service Bulletin 84–52–79, Revision C, dated February 2, 2016, before further flight, adjust the affected pin until it is installed correctly as specified in, and in accordance with, PART A1 of the Accomplishment Instructions Bombardier Service Bulletin 84–52–79, Revision C, dated February 2, 2016.

(3) If a pin retainer bracket does not rotate freely, before further flight, adjust affected parts of the assembly until the pin retainer bracket rotates freely as specified in, and in accordance with, PART A1 of the Accomplishment Instructions of Bombardier Service Bulletin 84–52–79, Revision C, dated February 2, 2016.

(h) Terminating Action

Within 6,000 flight hours or 36 months, whichever occurs first, after the effective date of this AD: Incorporate Bombardier ModSum 4–903234 to modify the installed jetway compatible handrail stowage bracket, in accordance with PART A3 of the Accomplishment Instructions of Bombardier Service Bulletin 84–52–79, Revision C, dated February 2, 2016. Incorporating Bombardier ModSum 4–903234 terminates the actions required by paragraph (g) of this AD.

(i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the service information identified in paragraph (i)(1), (i)(2), or (i)(3) of this AD.

(1) Bombardier Service Bulletin 84–52–79, dated May 1, 2014.

(2) Bombardier Service Bulletin 84–52–79, Revision A, dated November 18, 2014.

(3) Bombardier Service Bulletin 84–52–79, Revision B, dated April 8, 2015.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (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 the attention of the person identified in paragraph (k)(2) of this AD. 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 Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian A D CF–2015–02, dated January 27, 2015, 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–2016–9438.

(2) For more information about this AD, contact the 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.

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

(l) Material Incorporated by Reference

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

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

(i) Bombardier Service Bulletin 84–52–79, Revision C, dated February 2, 2016.

(ii) Reserved.

(3) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* Internet *http://www.bombardier.com.*

(4) 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.

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

Issued in Renton, Washington, on April 27, 2017.

Paul Bernado,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10339 Filed 5–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–8848; Directorate Identifier 2016–NM–054–AD; Amendment 39–18895; AD 2017–10–21]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 737–300, –400, and –500 series airplanes. This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the fuselage skin is subject to widespread fatigue damage (WFD). This AD requires modification of the lap joint and repetitive inspections for cracking of the skin at critical fastener rows. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 29, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 29, 2017.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone: 562–797–1717; Internet: *https://www.myboeingfleet.com.* You may view this 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–2016–8848.

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–2016–8848; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Jennifer Tsakoumakis, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5264; fax: 562–627–5210; email: *jennifer.tsakoumakis@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 737–300, –400, and 0500 series airplanes. The NPRM published in the **Federal Register** on August 30, 2016 (81 FR 59541) (''the NPRM''). The NPRM was prompted by an evaluation by the DAH indicating that the fuselage skin is subject to WFD. The NPRM proposed to require modification of the lap joint, including related investigative actions and corrective actions if necessary. The NPRM also proposed to require repetitive post-modification inspections for cracking of the skin at critical fastener rows, and corrective actions if necessary. We are issuing this AD to detect and correct cracks at the lap joint skin that could link up and result in rapid decompression and loss of structural integrity of the airplane.

Comments

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

Request To Remove Certain References in Terminating Action

Boeing requested that we remove certain references to AD 2015–16–08, Amendment 39–18233 (80 FR 51450, August 25, 2015) (''AD 2015–16–08''). Boeing pointed out that paragraphs (i), (j), and (k) of AD 2015–16–08 refer to a location (S–4R, Station (STA) 908–STA 1016) that is outside of the area affected by the modification specified in paragraph (g) of the proposed AD (S–4L and S–4R, STA 360–STA 908).

We agree with the commenter. Specifically, paragraphs (g) and (h) of AD 2015–16–08 apply to the modification area specified in this AD, but paragraphs (i), (j), and (k) of AD 2015–16–08 do not. Therefore, we have revised paragraph (k) of this AD to remove reference to paragraphs (i), (j), and (k) of AD 2015–16–08.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that accomplishing the supplemental type certificate (STC) ST01219SE does not affect the actions specified in the NPRM.

We concur with the commenter. We have redesignated paragraph (c) of the proposed AD as paragraph (c)(1) of this AD and added paragraph (c)(2) to this AD to state that installation of STC ST01219SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 737–53A1343, dated March 25, 2016. The service information describes procedures for modification of the lap joint, including related investigative actions and corrective actions if necessary. The service information also describes procedures for post-modification inspections for cracking of the skin at critical fastener rows, and corrective actions if necessary. This service information is reasonably available because the interested parties

have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 115 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Lap joint skin modification	2,142 work-hours × $85 per hour = $182,070 per modification.	$12,500	$194,570	$22,375,550.
Post-Modification inspection	102 work-hours × $85 per hour = $8,670 per inspection cycle.	0	8,670 per inspection cycle	997,050 per inspection cycle.

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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–10–21 The Boeing Company: Amendment 39–18895; Docket No. FAA–2016–8848; Directorate Identifier 2016–NM–054–AD.

(a) Effective Date

This AD is effective June 29, 2017.

(b) Affected ADs

This AD affects AD 2015–16–08, Amendment 39–18233 (80 FR 51450, August 25, 2015) (''AD 2015–16–08'').

(c) Applicability

(1) This AD applies to The Boeing Company Model 737–300, -400, and -500 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 737–53A1343, dated March 25, 2016; except for Group 5 airplanes identified in Boeing Alert Service Bulletin 737–53A1343, dated March 25, 2016.

(2) Installation of Supplemental Type Certificate (STC) ST01219SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/EBD1CEC7B301293E86257CB30045557A?OpenDocument&Highlight=st01219se*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the fuselage skin is subject to widespread fatigue damage (WFD). We are issuing this AD to detect and correct cracks at the lap joint skin that could link up and result in rapid decompression and loss of structural integrity of the airplane.

(f) Compliance

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

(g) Lap Joint Skin Modification

Before the accumulation of 50,000 total flight cycles, or within 3,000 flight cycles after the effective date of this AD, whichever occurs later: Modify the lap joint skin, including doing all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1343, dated March 25, 2016, except as required by paragraph (i) of this AD. Do all applicable related investigative and corrective actions before further flight.

(h) Inspection of the Critical Fastener Rows

Within 38,000 flight cycles after modifying the lap joint skin as required by paragraph (g) of this AD: Inspect the skin at critical fastener rows by doing the actions specified in paragraph (h)(1) or (h)(2) of this AD, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1343, dated March 25, 2016. If any crack is found during any inspection, repair before further flight using a method approved in accordance with the procedures specified in paragraph (l) of this AD. Repeat the inspection thereafter at intervals not to exceed 2,000 flight cycles in unrepaired areas.

(1) From the inside of the airplane: Do a low frequency eddy current (LFEC) inspection for any crack in the skin at the critical fastener row, and a medium frequency eddy current (MFEC) inspection for any crack in the skin at the critical fastener row.

(2) From the outside of the airplane: Do a LFEC inspection for any crack in the fuselage skin.

(i) Exception to Service Information Specifications

Although Boeing Alert Service Bulletin 737–53A1343, dated March 25, 2016, specifies to contact Boeing for repair instructions, and specifies that action as ''RC'' (Required for Compliance), this AD requires repair before further flight using a method approved in accordance with the procedures specified in paragraph (l) of this AD.

(j) AD Provisions for Part 26 Supplemental Inspections

Table 5 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1343, dated March 25, 2016, specifies post-modification airworthiness limitation inspections in compliance with 14 CFR 25.571(a)(3) at the modified locations, which support compliance with 14 CFR 121.1109(c)(2) or 129.109(b)(2). As airworthiness limitations, these inspections are required by maintenance and operational rules. It is therefore unnecessary to mandate them in this AD. Deviations from these inspections require FAA approval, but do not require an alternative method of compliance.

(k) Terminating Action for Certain Requirements of AD 2015–16–08

Accomplishing the modification required by paragraph (g) of this AD terminates the inspections required by paragraphs (g) and (h) of AD 2015–16–08 for the modified area only.

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

(m) Related Information

For more information about this AD, contact Jennifer Tsakoumakis, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5264; fax: 562–627–5210; email: *jennifer.tsakoumakis@faa.gov.*

(n) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin 737–53A1343, dated March 25, 2016.

(ii) Reserved.

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

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

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

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

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10265 Filed 5–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0084; Directorate Identifier 2014–NM–181–AD; Amendment 39–18879; AD 2017–10–05]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A300 series airplanes; and Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). This AD was prompted by reports indicating that on airplanes that received a certain repair following crack findings, cracks can re-initiate. This AD requires repetitive inspections of the center wing frame (FR) 40 lower outboard radius for cracking, and related investigative and corrective actions if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 29, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of June 29, 2017.

ADDRESSES: For service information identified in this final rule, 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. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0084.

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–2015–0084; or in person at the Docket Management Facility between 9 a.m.

and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: 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:

Discussion

We issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Model A300 series airplanes; and Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). The SNPRM published in the **Federal Register** on November 10, 2016 (81 FR 78944) (''the SNPRM''). We preceded the SNPRM with a notice of proposed rulemaking (NPRM) that published in the **Federal Register** on February 13, 2015 (80 FR 7992) (''the NPRM''). The NPRM proposed to require repetitive inspections for cracking of the FR 40 forward fittings for airplanes previously repaired. The NPRM was prompted by reports indicating that, on airplanes that received a certain repair following crack findings, cracks can re-initiate. The SNPRM proposed to require repetitive rototest, ultrasonic, high frequency eddy current, special detailed, and liquid penetrant inspections, as applicable, of the center wing FR 40 lower outboard radius for cracking, and related investigative and corrective actions if necessary. The SNPRM also proposed to add airplanes to the applicability. We are issuing this AD to detect and correct cracking on the FR 40 forward fittings, which could result in reduced structural integrity of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2015–0232R1, dated December 16, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A300 series airplanes; and Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). The MCAI states:

> Cracks were found on the lower outboard radius of the centre wing frame 40 forward fitting on in-service aeroplanes.
>
> This condition, if not detected and corrected, could lead to reduced structural integrity of the aeroplane.
>
> To address this unsafe condition, Airbus issued several inspection Service Bulletins (SB) and repair instructions. Consequently, EASA issued AD 2009–0094, which was later superseded by EASA AD 2011–0163 [which corresponds to FAA AD 2012–25–06, Amendment 39–17287 (77 FR 75833, December 26, 2012) (''AD 2012–25–06'')] and [EASA] AD 2014–0199 [which corresponds to the FAA NPRM], to require repetitive inspections and corrective actions on the affected areas.
>
> Since those [EASA] ADs were issued, additional in-service findings induced Airbus to do a new fatigue analysis, using a detailed Finite Element Model study, which resulted in defining new inspection methods. Prompted by these results, Airbus issued SB A300–57–0261, SB A300–57–6117 and SB A300–57–9034 to introduce these inspections. These new inspection SBs supersede and render obsolete inspection SB A300–53–0268 and SB A300–57–6052 and the All Operators Transmissions (AOT) A300–53A0391, AOT A300–57A6111, AOT A300–53W002–14 and AOT A300–57W003–14.
>
> For the reasons described above, EASA issued AD 2015–0232, superseding [Direction Générale de l'Aviation Civile] DGAC France AD 1998–038–010(B) R1 [which corresponds to FAA AD 98–25–07, Amendment 39–10933 (63 FR 68167, December 10, 1998) (''AD 98–25–07'')] and [DGAC France] AD 2003–189(B), and EASA AD 2011–0163 and [EASA] AD 2014–0199, to require the new inspections of the affected areas within new thresholds and intervals.
>
> This [EASA] AD is revised to clarify the compliance time(s), introducing a Note after paragraph (1), and to alleviate the reporting requirements of paragraph (3).

Required actions include repetitive rototest, ultrasonic, high frequency eddy current, special detailed, and liquid penetrant inspections, as applicable, of the center wing FR 40 lower outboard radius for cracking, and related investigative and corrective actions if necessary.

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–2015–0084.

Comments

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

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

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

Related Service Information Under 1 CFR Part 51

We reviewed the following service information:

- Airbus Service Bulletin A300–57–6117, dated May 28, 2015.
- Airbus Service Bulletin A300–57–0261, dated June 11, 2015.

The service information describes procedures for repetitive ultrasonic, rototest, high frequency eddy current, special detailed, and liquid penetrant inspections, and related investigative and corrective actions. These documents are distinct since they apply to different airplane models. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 29 airplanes of U.S. registry.

We estimate the following costs to comply with this AD.

ESTIMATED COSTS

Action	Labor cost	Cost per product	Cost on U.S. operators
Inspections	Up to 91 work-hours × $85 per hour = $7,735 per inspection cycle.	Up to $7,735 per inspection cycle	Up to $224,315 per inspection cycle.
Reporting	1 work-hour × $85 per hour = $85	$85	$2,465.

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

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES–200.

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–10–05 Airbus: Amendment 39–18879; Docket No. FAA–2015–0084; Directorate Identifier 2014–NM–181–AD.

(a) Effective Date

This AD is effective June 29, 2017.

(b) Affected ADs

This AD affects AD 98–25–07, Amendment 39–10933 (63 FR 68167, December 10, 1998) (''AD 98–25–07''); and AD 2012–25–06, Amendment 39–17287 (77 FR 75833, December 26, 2012) (''AD 2012–25–06'').

(c) Applicability

This AD applies to the Airbus airplanes, certificated in any category, identified in paragraphs (c)(1) through (c)(5) of this AD, except airplanes on which Airbus Modification 10221 has been embodied in production.

(1) Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes.

(2) Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

(3) Model A300 B4–605R and B4–622R airplanes.

(4) Model A300 F4–605R and F4–622R airplanes.

(5) Model A300 C4–605R Variant F airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by reports of cracks on the lower outboard radius of the center wing frame (FR) 40 forward fitting. We are issuing this AD to detect and correct cracking on the FR 40 forward fittings, 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) Repetitive Inspections

Except as provided by paragraph (i)(1) of this AD, at the applicable times specified in paragraph 1.E.(2), ''Compliance,'' of Airbus Service Bulletin A300–57–0261, dated June 11, 2015; or Airbus Service Bulletin A300–57–6117, dated May 28, 2015; accomplish rototest, ultrasonic, high frequency eddy current, special detailed, and liquid penetrant inspections, as applicable, of the center wing FR 40 lower outboard radius for cracking, and do all applicable related investigative actions, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–0261, dated June 11, 2015; or Airbus Service Bulletin A300–57–6117, dated May 28, 2015; as applicable. Do all applicable related investigative actions before further flight. Repeat the inspections thereafter at the applicable times specified in paragraph 1.E. (2), ''Compliance,'' of Airbus Service Bulletin A300–57–0261, dated June 11, 2015; or Airbus Service Bulletin A300–57–6117, dated May 28, 2015.

(h) Corrective Actions

If, during any inspection required by paragraph (g) of this AD, any crack is found, before further flight, accomplish the applicable corrective actions, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–0261, dated June 11, 2015; or Airbus Service Bulletin A300–57–6117, dated May 28, 2015; as applicable; except as required by paragraph (i)(2) of this AD.

(i) Service Information Exception

(1) Where the service information specified in paragraph (g) of this AD specifies a compliance time ''from this service bulletin issuance date,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Where the service information specified in paragraph (h) of this AD specifies to contact Airbus for certain conditions, before further flight, repair 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).

(j) No Terminating Action for This AD

Accomplishing a corrective action required by paragraph (h) of this AD, or accomplishing a preventative action specified in Airbus Service Bulletin A300–57–0260 or A300–57–6116, as applicable, does not terminate the repetitive inspections required by paragraph (g) of this AD.

(k) Terminating Action for Certain Requirements of Other ADs

(1) Accomplishing the actions required by paragraph (g) of this AD terminates the actions required by paragraphs (a) and (b) of AD 98–25–07.

(2) Accomplishing the actions required by paragraph (g) of this AD terminates the actions required by paragraphs (i) and (j) of AD 2012–25–06.

(l) Reporting Requirements

Within 60 days after any inspection required by paragraph (g) of this AD, or within 60 days after the effective date of this AD, whichever occurs later, report any findings, positive or negative, to Airbus Service Bulletin Reporting Online Application on Airbus World (*https://w3.airbus.com/*).

(m) 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: 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. 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 EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Reporting Requirements:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2015–0232R1, dated December 16, 2015, 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–2015–0084.

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

(o) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A300–57–0261, dated June 11, 2015.

(ii) Airbus Service Bulletin A300–57–6117, dated May 28, 2015.

(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.*

(4) 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.

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

Issued in Renton, Washington, on May 2, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10285 Filed 5–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9550; Directorate Identifier 2016–CE–026–AD; Amendment 39–18894; AD 2017–10–20]

RIN 2120–AA64

Airworthiness Directives; Piper Aircraft, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Piper Aircraft, Inc. Models PA–31, PA–31–300, PA–31–325, and PA–31–350 airplanes. This AD was prompted by fatigue cracking in the fuselage station (FS) 332.00 bulkhead common to the horizontal stabilizer front spar attachment. This AD requires repetitive inspections to detect cracks in the bulkhead and any necessary repairs. This AD also provides an optional modification if no cracks are found that will greatly reduce the likelihood of the specified cracks. We are issuing this AD to correct the unsafe condition on these products.

DATES: This AD is effective June 29, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 29, 2017.

ADDRESSES: For service information identified in this final rule, contact Piper Aircraft, Inc., Customer Service, 2926 Piper Drive, Vero Beach, Florida 32960; telephone: (877) 879–0275; fax: none; email: *customer.service@piper.com;* Internet: *www.piper.com.* You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9550.

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–2016–9550; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory

evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Gregory ''Keith'' Noles, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5551; fax: (404) 474–5606; email: *gregory.noles@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Piper Aircraft, Inc. Models PA–31, PA–31–300, PA–31–325, and PA–31–350 airplanes. The NPRM published in the **Federal Register** on January 3, 2017 (82 FR 48). The NPRM was prompted by reports of fatigue cracking in the FS 332.00 bulkhead common to the horizontal stabilizer front spar attachment on Piper Aircraft, Inc. PA–31 airplanes. Cracks in the bulkhead could compromise the structural component's capability to carry flight loads, increasing the potential to overload and fail adjacent structure. The NPRM proposed to provide an optional modification if no cracks are found that will greatly reduce the likelihood of the specified cracks. We are issuing this AD to detect and repair cracks in the bulkhead that could lead to structural failure and result in loss of control.

Comments

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

Request Change to Labor Estimates

Joe M. Miller, Chief Inspector for Warbelow's Air Ventures, Inc. in Fairbanks, Alaska, stated they have complied with the proposed requirement on 3 airplanes and find that it takes 2 mechanics about 6 hours each (12 man-hours) to accomplish just the inspection phase. The commenter states that to better access the affected areas it is easier to remove both horizontal stabilizers. In total, it takes a crew of 2 about 4 days (64 man-hours) to accomplish the complete process from inspection to return to service.

We partially agree. We agree with revising the labor estimates for both the inspection and modification because of the additional operator data. Also, we will ensure the access time is included in both the inspection and modification estimates. Because the original time estimate was provided by another experienced operator, we will update the estimate to reflect an average of the two reported times. We disagree with using a combined estimate of 64 hours because the inspection and modification are estimated separately. We will make the following changes to the AD based on this comment:

- Update the inspection labor estimate from 1 hour to 12 hours; and
- Update the modification labor estimate from 26 to 45 hours.

Question on Airplanes That Have Previously Complied

Joe M. Miller, Chief Inspector, Warbelow's Air Ventures, Inc., Fairbanks, Alaska, asked that we provide reference to those airplanes that have previously complied with Service Bulletin 1289A and installed kit 88578–001 Rev B. The commenter stated the NPRM only addresses the initial inspection and modification of FS 332 and does not address airplanes that have previously complied with Piper MSB 1289A by inspection and subsequent installation of the Piper Kit 88578–001 Rev B.

We do not agree because paragraph (f) of the AD addresses this situation with the phrase ''unless already done.''

We have not changed the AD based on this comment.

Request To Extend the Initial Compliance Time

Roger Braun asked that we extend the initial compliance time because his impression is that the cracks were found solely on one very high-time (20,000 hour plus) airplane, and he perceives 3,000 hours time-in-service (TIS) as too early to start the inspection intervals based on the finding.

We do not agree because the airplane design is intended to provide a service life that is crack-free. When cracks are found in service, a management program is put in place (reference Advisory Circular 91–82). It is true that the crack was found on an airplane with over 20,000 hours. The compliance time for the management program is based on the known failure time but must include safety and statistical reduction factors (reference Advisory Circular 23–13). Starting inspections at 3,000 hours TIS ensures any cracks that form will be found early enough to prevent an unsafe condition. While it may appear excessive, the compliance time is set to meet the design intent of a crack-free operation.

We have not changed the AD based on this comment.

Request for a Visual Inspection

Roger Braun asked that we allow for a visual inspection instead of a penetrant inspection because the parts involve a simple visual inspection. The commenter suggested that 10x glass would suffice instead of stripping paint and doing a dye-penetrant inspection. Then, a penetrant could be used if any cracks are suspected.

We do not agree because the cleaning and penetrant method has higher detection reliability than a purely visual method. The reliability of the inspection method is tied to the compliance time for the repetitive inspection and deferral of the permanent modification. Once the AD is published, the commenter may request an alternative method of compliance (AMOC) for the visual inspection method. The request, including all substantiating data, may be submitted following 14 CFR 39.19 as specified in paragraph (i)(1) of this AD.

We have not changed the AD based on this comment.

Clarification on Installation of the Kit

Tim Glubaskas, Director of Maintenance, Warbelow's Air Ventures, asked for a clarification on whether installation of the kit terminates the repetitive inspections.

That kit installation is terminating action for the repetitive inspection. This is addressed in paragraph (g)(3)(i) of this AD when the kit is used as a repair for cracks and in paragraph (g)(4) of this AD when the kit is used as a modification with no cracks.

We have not changed the AD based on this comment.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Piper Aircraft, Inc. Service Bulletin No. 1289A, dated October 26, 2016. The service information describes procedures for the repetitive inspections, necessary repairs, and the optional modification of the bulkhead. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 955 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect for cracks in the bulkhead	12 work-hours × $85 per hour = $1,020	Not Applicable	$1,020	$974,100

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair/Modification	45 work-hours × $85 per hour = $3,825	$296	$4,121

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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–10–20 Piper Aircraft, Inc.: Amendment 39–18894; Docket No. FAA–2016–9550; Directorate Identifier 2016–CE–026–AD.

(a) Effective Date

This AD is effective June 29, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Piper Aircraft, Inc. Navajo Models PA–31, PA–31–300, and PA–31–325, serial numbers 31–2 through 31–900, and 31–7300901 through 31–8312019; and Chieftain/T–1020 Models PA–31–350, serial numbers 31–5001 through 31–5004, and 31–7305005 through 31–8553002, certificated in any category.

Note 1 to paragraph (c) of this AD: The Model PA–31 may also be identified as a PA–31–310 even though the PA–31–310 is not a model recognized by the Federal Aviation Administration (FAA) on the type certificate data sheet.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 5312: Fuselage—Main Bulkhead.

(e) Unsafe Condition

This AD was prompted by fatigue cracking in the fuselage station (FS) 332.00 bulkhead common to the horizontal stabilizer front spar attachment. This AD requires repetitive inspections to detect cracks in the bulkhead and any necessary repairs. This AD also provides an optional modification if no cracks are found that will greatly reduce the likelihood of the specified cracks. Cracks in the bulkhead could compromise the structural components capability to carry flight loads, increasing the potential to overload and fail adjacent structure and lead to loss of control.

(f) Compliance

Comply with paragraphs (g)(1) through (3) of this AD within the compliance times specified, unless already done.

(g) Actions

(1) *For airplanes with 3,000 hours time-in-service (TIS) or less as of June 29, 2017 (the effective date of this AD):* Initially within 500 hours TIS after reaching 3,000 hours TIS and repetitively thereafter every 200 hours TIS, inspect the fuselage station (FS) 332.00 bulkhead assembly for cracks following the instructions in Part I of Piper Aircraft, Inc. Service Bulletin (SB) No. 1289A, dated October 26, 2016.

(2) *For airplanes with over 3,000 hours TIS as of June 29, 2017 (the effective date of this AD):* Initially within the next 500 hours TIS after June 29, 2017 (the effective date of this AD) and repetitively thereafter every 200 hours TIS, inspect the FS 332.00 bulkhead assembly for cracks, following the instructions in Part I of Piper Aircraft, Inc. SB No. 1289A, dated October 26, 2016.

(3) If cracks are found during any of the inspections required in paragraphs (g)(1) or (2) of this AD, before further flight, repair the cracks following the modification instructions in Part II of Piper Aircraft, Inc. SB No. 1289A, dated October 26, 2016, and one of the following as applicable:

(i) If the crack does not extend beyond the inspection/template area of figure 2 of Piper Aircraft, Inc. SB No. 1289A, dated October 26, 2016, and meets the minimum acceptable distance in figure 3 and table 2 of Part II of Piper Aircraft, Inc. SB No. 1289A, dated October 26, 2016, then the installation of Piper Kit 88578–001 Revision B, dated June 23, 2016, is acceptable as a repair and is considered terminating action for the repetitive inspection requirement in paragraphs (g)(1) and (2) of this AD.

(ii) If the crack extends beyond the inspection/template area of figure 2 of Piper Aircraft, Inc. SB No. 1289A, dated October 26, 2016, or does not meet the minimum acceptable distance in figure 3 and table 2 of Part II of Piper Aircraft, Inc. SB No. 1289A, dated October 26, 2016, then the installation of Piper Kit 88578–001 Revision B, dated June 23, 2016, is not an acceptable repair. You must obtain an alternative method of compliance (AMOC) for any repair or modification in this area. You may contact Piper Aircraft, Inc. for repair instruction development specific to this condition. For contact information refer to paragraph (j) of this AD.

(4) If no cracks are found, you may install Piper Kit 88578–001 Revision B, dated June 23, 2016, on an uncracked bulkhead following the Modification instructions in Part II of Piper Aircraft, Inc. SB No. 1289A, dated October 26, 2016. Installation of Piper Kit 88578–001 Revision B, dated June 23, 2016, on an uncracked bulkhead is considered terminating action for the repetitive inspection requirement in paragraphs (g)(1) and (2) of this AD.

(h) Special Flight Permit

A special flight permit is allowed for this AD per 14 CFR 39.23 with limitations. Permits are only allowed for the inspections required by this AD and are not allowed if cracks are discovered during any inspection following Part I of Piper Aircraft, Inc. SB No. 1289A, dated October 26, 2016. Any cracks found during any inspection must be repaired before further flight.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (k) of this AD.

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

(j) Related Information

(1) For more information about this AD, contact Gregory ''Keith'' Noles, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5551; fax: (404) 474–5606; email: *gregory.noles@faa.gov.*

(2) For service information identified in this AD, contact Piper Aircraft, Inc., Customer Service, 2926 Piper Drive, Vero Beach, Florida 32960; telephone: (877) 879–0275; fax: none; email: *customer.service@piper.com*; Internet: *www.piper.com.* You may review the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

(k) Related Information

For more information about this AD, contact Gregory ''Keith'' Noles, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5551; fax: (404) 474–5606; email: *gregory.noles@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Piper Aircraft, Inc. Service Bulletin No. 1289A, dated October 26, 2016.

(ii) Reserved.

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

(4) You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816–329–4148.

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

Issued in Kansas City, Missouri, on May 10, 2017.

Melvin Johnson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10407 Filed 5–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0114; Directorate Identifier 2017–NE–03–AD; Amendment 39–18880; AD 2017–10–06]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Rolls-Royce plc (RR) RB211 Trent 768–60, 772–60, and 772B–60 turbofan engines. This AD requires fluorescent penetrant inspection (FPI) of the compressor intermediate case (CIC) for cracking. This AD was prompted by CICs that were weld repaired and have a higher probability of cracking as a result of the weld repair process. We are issuing this AD to correct the unsafe condition on these products.

DATES: This AD becomes effective June 9, 2017.

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

We must receive comments on this AD by July 10, 2017.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* 202–493–2251.

For service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; email: *http://www.rolls-royce.com/contact/civil_team.jsp;* Internet: *https://customers.rolls-royce.com/public/rollsroycecare.* You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7125. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0114.

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–2017–0114; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the mandatory continuing airworthiness information (MCAI), regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Robert Green, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7754; fax: 781–238–7199; email: *robert.green@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0114; Directorate Identifier 2017–NE–03–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this 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 with FAA personnel concerning this AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2017–0071, dated April 26, 2017 (referred to hereinafter as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> It has been determined that certain compressor intermediate cases (CIC), repaired by RR Repair FRSC005, have a higher probability of cracking, due to increased residual stresses which were applied during the weld repair process. This condition, if not detected and corrected, could lead to CIC failure, possibly resulting in damage to, and/or reduced control of, the aeroplane. To address this potential unsafe condition, RR released Alert Non-Modification Service Bulletin (NMSB) RB.211–72–AH976, later revised, providing inspection instructions. For the reason described above, this AD requires a one-time fluorescent-penetrant inspection (FPI) of each affected CIC and, depending on findings, accomplishment of a repair.

You may obtain further information by examining the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0114.

Related Service Information Under 1 CFR Part 51

RR has issued Alert NMSB RB.211–72–AH976, Revision 2, dated March 16, 2017. The Alert NMSB describes procedures for FPI of the CIC that have RR Repair FRSC005 applied to them. 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 AD

This product has been approved by the aviation authority of the United Kingdom, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design. This AD requires one-time FPI of each affected CIC and, depending on findings, accomplishment of a repair.

FAA's Determination of the Effective Date

No domestic operators use this product. Therefore, we find that notice and opportunity for prior public comment are unnecessary and that good cause exists for making this amendment effective in less than 30 days.

Costs of Compliance

We estimate that this AD affects 0 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	2.0 work-hours × $85 per hour = $170.00	$0	$170.00	$0

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

For the reasons discussed above, I certify this AD:

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

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

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–10–06 Rolls-Royce plc: Amendment 39–18880; Docket No. FAA–2017–0114; Directorate Identifier 2017–NE–03–AD.

(a) Effective Date

This AD is effective June 9, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Rolls-Royce plc (RR) RB211 Trent 768–60, RB211 Trent 772–60, and RB211 Trent 772B–60 turbofan engines that have a compressor intermediate case (CIC) that was repaired using RR Repair FRSC005.

(d) Subject

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

(e) Reason

This AD was prompted by CICs that were weld repaired and have a higher probability of cracking due to increased residual stresses as a result of the weld repair process. We are issuing this AD to prevent CIC failure, engine separation and loss of the airplane.

(f) Compliance

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

(g) Required Actions

(1) Inspect repaired CICs during the next shop visit, or within 6,000 engine flight cycles, whichever occurs first, after the effective date of this AD, using paragraph 3.B.(1)(c) of the Accomplishment Instructions, of RR Alert Non-Modification Service Bulletin (NMSB) RB.211–72–AH976, Revision 2, dated March 16, 2017.

(2) If a CIC fails inspection required by paragraph (g)(1) of this AD, either repair the CIC using paragraph 3.B.(2)(b) of the Accomplishment Instructions, of RR Alert NMSB RB.211–72–AH976, Revision 2, dated March 16, 2017, or, replace the CIC with a part eligible for installation, before next flight.

(h) Definitions

For the purpose of this AD, a shop visit is the induction of an engine into the shop for maintenance or overhaul that requires the separation of major mating engine module flanges. The separation of engine flanges solely for the purpose of transporting the engine without subsequent engine maintenance does not constitute an engine shop visit.

(i) Installation Prohibition

After the effective date of this AD, do not install an affected intermediate module on an engine unless the CIC has passed the inspection required by paragraph (g)(1) of this AD.

(j) Credit for Previous Actions

You may take credit for the inspections and corrective action required by paragraph (g) of this AD, if you performed these actions before the effective date of this AD using RR Alert NMSB RB.211–72–AH976, original issue, dated November 3, 2016 or RR Alert NMSB RB.211–72–AH976, Revision 1, dated November 17, 2016.

(k) Alternative Methods of Compliance (AMOCs)

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

(l) Related Information

(1) For more information about this AD, contact Robert Green, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7754; fax: 781–238–7199; email: *Robert.Green@faa.gov.*

(2) Refer to MCAI European Aviation Safety Agency (EASA), AD 2017–0071, dated April 26, 2017, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2017–0114.

(m) Material Incorporated by Reference

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

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

(i) Rolls-Royce plc Alert Non-Modification Service Bulletin RB.211–72–AH976, Revision 2, dated March 16, 2017.

(ii) Reserved.

(3) For Rolls-Royce plc service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; email: *http://www.rolls-royce.com/contact/civil_team.jsp;* Internet: *https://customers.rolls-royce.com/public/rollsroycecare.*

(4) You may view this service information at FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7125.

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

Issued in Burlington, Massachusetts, on May 4, 2017.

Robert J. Ganley,

Acting Assistant Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2017–10438 Filed 5–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–8428; Directorate Identifier 2014–NM–032–AD; Amendment 39–18898; AD 2017–10–24]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2011–17–

09 for all Airbus Model A330–200, –200 Freighter, and –300 series airplanes; and AD 2012–25–12 for all Airbus Model A330–200 and –300 series airplanes. AD 2011–17–09 required revisions to certain operator maintenance documents to include new inspections. AD 2012–25–12 required replacing certain main landing gear (MLG) bogie beams before reaching new reduced life limits. This new AD requires revising the maintenance or inspection program, as applicable, to incorporate new, more restrictive, or revised instructions and/or airworthiness limitation requirements. This AD was prompted by revisions to certain airworthiness limitation item (ALI) documents, which specify more restrictive instructions and/or airworthiness limitations. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 29, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of June 29, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of January 30, 2013 (77 FR 75825, December 26, 2012).

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of September 30, 2011 (76 FR 53305, August 26, 2011).

ADDRESSES: For Airbus service information identified in this final rule, 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.*

For Messier-Bugatti-Dowty service information identified in this final rule, contact Messier-Bugatti USA, One Carbon Way, Walton, KY 41094; telephone 859–525–8583; fax 859–485 8827; email *americascsc@safranmbd.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–2015–8428.

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–2015–8428; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: 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:

Discussion

We issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 to supersede AD 2011–17–09, Amendment 39–16773 (76 FR 53305, August 26, 2011) (''AD 2011–17–09''); and AD 2012–25–12, Amendment 39–17293 (77 FR 75825, December 26, 2012) (''AD 2012–25–12''). AD 2011–17–09 applied to all Airbus Model A330–200, –200 Freighter, and –300 series airplanes. AD 2012–25–12 applied to all Airbus Model A330–200 and –300 series airplanes. The SNPRM published in the **Federal Register** on December 16, 2016 (81 FR 91062). We preceded the SNPRM with a notice of proposed rulemaking (NPRM) that published in the **Federal Register** on January 13, 2016 (81 FR 1570). The NPRM was prompted by a determination that more restrictive instructions and/or airworthiness limitations should be incorporated into the maintenance or inspection program, as applicable. The NPRM proposed to require revising the maintenance or inspection program, as applicable, to incorporate new or revised airworthiness limitation requirements. The SNPRM proposed to require revising the maintenance or inspection program, as applicable, to incorporate more restrictive instructions and/or airworthiness limitations that the manufacturer has recently issued. We are issuing this AD to detect and correct fatigue cracking, accidental damage, or corrosion in principal structural elements, and possible failure of certain life limited parts, which could result in reduced structural integrity of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive, 2014–0009, dated January 8, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A330–200, –200 Freighter, and –300 series airplanes; and Model A340–200, –300, –500, and –600 series airplanes. The MCAI states:

> The airworthiness limitations for Airbus aeroplanes are currently published in Airworthiness Limitations Section (ALS) documents.
>
> The instructions and airworthiness limitations applicable to the Safe Life Airworthiness Limitation Items (SL ALI) are given in Airbus A330 ALS Part 1 and A340 ALS Part 1, which are approved by EASA.
>
> The revision 07 of Airbus A330 and A340 ALS Part 1 introduces more restrictive instructions and/or airworthiness limitations. Failure to comply with this revision could result in an unsafe condition.
>
> For the reason described above, this [EASA] AD retains the requirements of EASA AD 2012–0179, which is superseded, and requires accomplishment of the actions specified in Airbus A330 or A340 ALS Part 1 revision 07.
>
> In addition, this [EASA] AD also supersedes EASA AD 2011–0122–E and EASA AD 2011–0212, whose requirements have been transferred into Airbus A330 and A340 ALS Part 1 revision 07.

The unsafe condition is fatigue cracking, accidental damage, or corrosion in certain principal structural elements, and possible failure of certain life limited parts, 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–2015–8428.

Comments

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

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

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

Related Service Information Under 1 CFR Part 51

Airbus has issued Airbus A330 ALS Part 1, SL–ALI, Revision 08, dated April 11, 2016. Messier-Bugatti-Dowty has issued Service Letter A33–34 A20, Revision 7, including Appendixes A through F, dated July 20, 2012. This service information describes SL–ALI for the landing gear. This service information is distinct since it was issued by two different manufacturers for different purposes.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 82 airplanes of U.S. registry.

The actions that are required by AD 2011–17–09, and retained in this AD, take about 1 work-hour per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that are required by AD 2011–17–09 is $85 per product.

The actions that are required by AD 2012–25–12, and retained in this AD, take about 16 work-hours, at an average labor rate of $85 per work-hour, with required parts cost of about $255,000 per MLG bogie beam. Based on these figures, the estimated cost of the actions that are required by AD 2012–25–12 is up to $256,360 per MLG bogie beam.

We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $6,970, or $85 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 AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. For the reasons discussed above, I certify that this AD:

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2.The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2011–17–09, Amendment 39–16773 (76 FR 53305, August 26, 2011); and AD 2012–25–12, Amendment 39–17293 (77 FR 75825, December 26, 2012); and adding the following new AD:

2017–10–24 Airbus: Amendment 39–18898; Docket No. FAA–2015–8428; Directorate Identifier 2014–NM–032–AD.

(a) Effective Date

This AD is effective June 29, 2017.

(b) Affected ADs

This AD replaces AD 2011–17–09, Amendment 39–16773 (76 FR 53305, August 26, 2011) (''AD 2011–17–09''); and AD 2012–25–12, Amendment 39–17293 (77 FR 75825, December 26, 2012) (''AD 2012–25–12'').

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, certificated in any category, with an original certificate of airworthiness or original export certificate of airworthiness issued on or before April 11, 2016.

(1) Airbus Model A330–201, –202, –203, –223, and –243 airplanes.

(2) Airbus Model A330–223F and –243F airplanes.

(3) Airbus Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by revisions to certain airworthiness limitation item documents, which specify more restrictive instructions and/or airworthiness limitations. We are issuing this AD to detect and correct fatigue cracking, accidental damage, or corrosion in principal structural elements, and possible failure of certain life limited parts, 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 Program Revision, With New Terminating Action

This paragraph restates the requirements of paragraph (h) of AD 2011–17–09, with new terminating action. Within 3 months after September 30, 2011 (the effective date of AD 2011–17–09): Revise the maintenance program by incorporating Airbus A330 Airworthiness Limitations Section (ALS) Part 1, Safe Life Airworthiness Limitation Items (SL–ALI), Revision 05, dated July 29, 2010. Comply with all ALIs in Airbus A330 ALS Part 1, SL–ALI, Revision 05, dated July 29, 2010, at the times specified therein. Accomplishing the actions specified in paragraph (k) of this AD terminates the requirements of this paragraph.

(h) Retained Limitation of No Alternative Intervals or Limits, With Additional Exception

This paragraph restates the requirements of paragraph (i) of AD 2011–17–09, with additional exception. Except as provided by paragraphs (k) and (m)(1) of this AD, after accomplishment of the actions specified in paragraph (g) of this AD, no alternatives to the maintenance tasks, intervals, or limitations specified in paragraph (g) of this AD may be used.

(i) Retained Bogie Beam Replacement, With Specific Delegation Approval Language, New Terminating Action, and New Service Information

This paragraph restates the requirements of paragraph (g) of AD 2012–25–12, with specific delegation approval language and terminating action and new service information. For airplanes identified in paragraphs (c)(1) and (c)(3) of this AD: At the

later of the times specified in paragraphs (i)(1) and (i)(2) of this AD, replace all main landing gear (MLG) bogie beams having part number (P/N) 201485300, 201485301, 201272302, 201272304, 201272306, or 201272307, except those that have serial number (S/N) S2A, S2B, or S2C, as identified in Messier-Dowty Service Letter A33–34 A20, Revision 5, including Appendixes A through F, dated July 31, 2009; or Messier-Bugatti-Dowty Service Letter A33–34 A20, Revision 7, including Appendixes A through F, dated July 20, 2012; with a new or serviceable part, 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). As of the effective date of this AD, the applicable MLG bogie beams specified in this paragraph must be replaced using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA. Accomplishing the actions specified in paragraph (k) of this AD terminates the requirements of this paragraph.

(1) At the applicable time specified in paragraphs (i)(1)(i), (i)(1)(ii), and (i)(1)(iii) of this AD.

(i) For Model A330–201, –202, –203, –223, –243 series airplanes, weight variant (WV)02x, WV05x (except WV058), and WV06x series: Before the accumulation of a life limit of 50,000 landings or 72,300 total flight hours, whichever occurs first from the first installation of a MLG bogie beam on the airplane.

(ii) For Model A330–201, –202, –203, –223, –243 WV058 series airplanes: Before the accumulation of a life limit of 50,000 landings or 57,900 total flight hours, whichever occurs first from the first installation of a MLG bogie beam on the airplane.

(iii) For Model A330–301, –302, –303, –321, –322, –323, –341, –342, –343 series airplanes, WV00x, WV01x, WV02x, and WV05x series: Before the accumulation of a life limit of 46,000 landings or 75,000 total flight hours, whichever occurs first from the first installation of a MLG bogie beam on the airplane.

(2) Within 6 months after January 30, 2013 (the effective date of AD 2012–25–12).

(j) Retained Parts Installation Limitation, With New Terminating Action

This paragraph restates the requirements of paragraph (h) of AD 2012–25–12, with new terminating action. For airplanes identified in paragraphs (c)(1) and (c)(3) of this AD, as of January 30, 2013 (the effective date of AD 2012–25–12), a MLG bogie beam having any part number identified in paragraph (i) of this AD may be installed on an airplane, provided its life has not exceeded the life limit specified in paragraphs (i)(1)(i), (i)(1)(ii), and (i)(1)(iii) of this AD, and it is replaced with a new or serviceable part before reaching the life limit specified in paragraphs (i)(1)(i), (i)(1)(ii), and (i)(1)(iii) of this AD. Accomplishing the actions specified in paragraph (k) of this AD terminates the requirements of this paragraph.

(k) New Maintenance or Inspection Program Revision

Within 3 months after the effective date of this AD: Revise the maintenance or inspection program, as applicable, by incorporating the information in Airbus A330 ALS Part 1, SL–ALI, Revision 08, dated April 11, 2016. The initial compliance times for the actions specified in Airbus A330 ALS Part 1, SL–ALI, Revision 08, dated April 11, 2016, are at the times specified in Airbus A330 ALS Part 1, SL–ALI, Revision 08, dated April 11, 2016, or within 3 months after the effective date of this AD, whichever occurs later. Accomplishing the actions specified in this paragraph terminates the requirements specified in paragraphs (g) through (j) of this AD.

(l) New Limitation of No Alternative Actions or Intervals

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

(m) 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 (n)(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:* 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 EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0009, dated January 8, 2014, 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–2015–8428.

(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.

(o) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on June 29, 2017.

(i) Airbus A330 Airworthiness Limitations Section Part 1, Safe Life Airworthiness Limitation Items, Revision 08, dated April 11, 2016.

(ii) Messier-Bugatti-Dowty Service Letter A33–34 A20, Revision 7, including Appendixes A through F, dated July 20, 2012.

(4) The following service information was approved for IBR on January 30, 2013 (77 FR 75825, December 26, 2012).

(i) Messier-Dowty Service Letter A33–34 A20, Revision 5, including Appendixes A through F, dated July 31, 2009.

(ii) Reserved.

(5) The following service information was approved for IBR on September 30, 2011 (76 FR 53305, August 26, 2011).

(i) Airbus A330 Airworthiness Limitations Section, Part 1, Safe Life Airworthiness Limitation Items, Revision 05, dated July 29, 2010. The revision level of this document is indicated only on the title page and in the Record of Revisions; the revision date of this document is not indicated on the title page of this document.

(ii) Reserved.

(6) For Airbus 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.*

(7) For Messier-Bugatti-Dowty service information identified in this AD, contact Messier-Bugatti USA, One Carbon Way, Walton, KY 41094; telephone 859–525–8583; fax 859–485 8827; email *americascsc@safranmbd.com.*

(8) 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.

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

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

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10266 Filed 5–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–8849; Directorate Identifier 2015–NM–174–AD; Amendment 39–18892; AD 2017–10–18]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Model A330–223F, –223, –321, –322, and –323 airplanes. This AD was prompted by fatigue load analysis that determined the need for reduced inspection intervals and updated torque values of the bolts. This AD requires repetitive torque checks of the forward engine mount bolts, an inspection of the forward mount assembly, and replacement of the bolts or repair of the forward mount assembly as necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 29, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 29, 2017.

ADDRESSES: For service information identified in this final rule, 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. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–8849.

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–2016–8849; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: 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:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A330–223F, –223, –321, –322, and –323 airplanes. The NPRM published in the **Federal Register** on August 30, 2016 (81 FR 59535). The NPRM was prompted by fatigue load analysis that determined the need for reduced inspection intervals (for torque checks required by AD 2013–14–04, Amendment 39–17509 (78 FR 68352, November 14, 2013) (''AD 2013–14–04'')) and updated torque values of the bolts. The NPRM proposed to require repetitive torque checks to determine if there are any loose or broken forward engine mount bolts, and, if necessary, replacement of all four forward engine mount bolts and associated nuts, inspection of the forward mount assembly, and repair. We are issuing this AD to detect and correct loose and broken bolts, which could lead to engine detachment in flight and damage to the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2015–0214, dated October 19, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A330–223F, –223, –321, –322, and –323 airplanes. The MCAI states:

> The forward mount engine pylon bolts, Part Number (P/N) 51U615, fitted on Airbus A330 aeroplanes with Pratt & Whitney (PW) PW4000 engines, are made from MP159 material. Analysis made by PW identified that MP159 material pylon bolts do not meet the full life cycle torque check interval requirement, in a bolt-out condition. Consequently, PW issued Alert Service Bulletin (ASB) PW4G–100–A71–32, and the U.S. Federal Aviation Administration (FAA), as Engine Certification Authority, issued FAA AD 2006–16–05 [Amendment 39–14705 (71 FR 44185, August 4, 2006) (''AD 2006–16–05'')] to require repetitive torque checks of MP159 material forward mount pylon bolts fitted on certain PW4000 series engines.
>
> However, the engine mount system is considered to be part of aeroplane certification rather than the engine certification. Following further fatigue load analysis by Airbus of the A330 engine mount system, it was determined that the torque check interval for MP159 material forward mount pylon bolts, as required by FAA AD 2006–16–05 (2,700 flight cycles (FC)), provided an insufficient level of safety for Airbus A330 aeroplanes.
>
> This condition, if not detected and corrected, could ultimately lead to detachment of the engine from the aeroplane, possibly resulting in damage to the aeroplane and/or injury to persons on the ground.
>
> Consequently, EASA issued AD 2012–0094 [which corresponds to FAA AD 2013–14–04] to require accomplishment of repetitive torque checks of the forward mount pylon bolts installed on affected A330 aeroplanes and, depending on findings, replacement of all four bolts and associated nuts, in accordance with PW ASB PW4G–100–A71–32 Revision 01 and Airbus Service Bulletin (SB) A330–71–3028.
>
> Since that AD was issued, it has been concluded that a new torque value must be applied.
>
> Consequently, Airbus issued SB A330–71–3028 Revision 02 and PW issued ASB PW4G–100–A71–32 Revision 02 to update the torque value. Additional forward mount inspections are also provided in case of one or more forward engine mount bolts is found loose, broken or missing.
>
> For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2012–0094, which is superseded, introduces a new torque value, and requires additional inspections and, depending on findings, corrective action(s).

Corrective actions include repetitive torque checks to determine if there are any loose or broken forward engine mount bolts on both engines, and, if necessary, replacement of all four forward engine mount bolts and associated nuts, inspection of the forward mount assembly, and 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–2016–8849.

Comments

We gave the public the opportunity to participate in developing this AD. The

following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Correct Typographical Error

American Airlines (AA) requested that we correct the reference to the FAA AD in paragraph (g)(1) of the proposed AD, which incorrectly identified AD 2013–13–05. The correct AD number for this terminating action is 2013–14–04.

We agree and have revised paragraph (g)(1) of this AD accordingly.

Request To Clarify Compliance Time

AA requested that we clarify the compliance time for airplanes with an average flight time (AFT) of more than 132 minutes for the second cycle interval (1,851–2,700 flight cycles). AA proposed that we revise the second row of table 1 to paragraph (g) of the proposed AD by referring to the specified compliance times since accomplishing actions in AD 2013–14–04.

We agree that clarification is necessary. The compliance times for the initial and repetitive torque checks required by AD 2013–14–04 are identified in table 1 to paragraph (g)(1) of this AD (table 1 to paragraph (g) of the proposed AD). The compliance times include specified flight cycles since the last torque check specified in Pratt & Whitney Alert Service Bulletin PW4G–100–A71–32, which operators might have accomplished to comply with AD 2013–14–04. Paragraph (g)(1) of this AD requires that the next torque check be done in accordance with Airbus Service Bulletin A330–71–3028, Revision 02, dated August 31, 2015 (''A330–71–3028, R02''). Accomplishment of the torque check required by paragraph (g)(1) of this AD terminates the requirements of AD 2013–14–04. We have not changed this AD regarding this issue.

Request To Clarify Terminating Action

Paragraph (h) of the proposed AD stated that accomplishment of the actions specified by paragraph (g) of the proposed AD ''constitutes compliance with'' the requirements specified in paragraph (g) of AD 2006–16–05. AA requested that we revise paragraph (h) of the proposed AD to specifically state that the new AD would also ''terminate'' the inspection specified in AD 2006–16–05.

We agree with the commenter. We have revised paragraph (h) of this AD to state that accomplishment of the actions required by paragraph (g) of this AD terminates the requirements of paragraph (g) of AD 2006–16–05.

Request To Allow Use of Higher Torque Values

AA requested that we revise paragraph (j) of the proposed AD to specifically allow early compliance with the AD upon its release and prior to the effective date of the AD, using Airbus Service Bulletin A330–71–3028, R02. AA stated that this would allow operators to immediately begin using the higher torque values specified in Airbus Service Bulletin A330–71–3028, R02. AA stated that as written, the AD would not allow operators to immediately use the higher torque values specified in Airbus Service Bulletin A330–71–3028, R02, because AD 2013–14–04 specifies the use of Airbus Service Bulletin A330–71–3028, Revision 01, dated February 12, 2012, which contains lower torque values. AA stated that this would preclude the need for a request for an alternative method of compliance (AMOC) against AD 2013–14–04 to allow the use of the higher torque values, and that this change would streamline the compliance revision process.

We acknowledge the request and agree that clarification is necessary. Because AD 2013–14–04 requires using Airbus Service Bulletin A330–71–3028, Revision 01, dated February 12, 2012, operators need approval to use Airbus Service Bulletin A330–71–3028, R02, as an AMOC for the requirements of AD 2013–14–04. We have issued global AMOC ANM–116–17–243, dated April 4, 2017, approving the use of Airbus Service Bulletin A330–71–3028, R02, for compliance with the requirements of AD 2013–14–04. Therefore, no changes to this AD are necessary regarding this issue.

Request To Limit Requirements for Certain Approvals

Delta Air Lines (Delta) requested that we revise the statement in paragraph (g)(2) of the proposed AD to remove the requirement to obtain FAA, EASA, or Airbus Design Organization Approval (DOA) approval for any instance where Airbus Service Bulletin A330–71–3028, R02, specifies contacting Airbus. Delta requested that we instead require these approvals only for damage that exceeds the allowable limits in the airplane maintenance manual (AMM); component maintenance manual (CMM); or cleaning, instruction and repair (CIR) manual. Delta stated that Airbus Service Bulletin A330–71–3028, R02, specifies contacting Airbus any time a bolt is found out of tolerance regardless whether any damage is found. As such, this would effectively require FAA, EASA, or Airbus DOA approval any time a bolt is found with a torque out of limits, even if there is no damage to the forward mount assembly, or if the damage is within the AMM, CMM, or CIR allowable limits. Delta agreed with the required approvals, but only when there is damage that exceeds those limits. Delta stated that this change would limit the number of AMOC requests, and reduce airplane out-of-service times while maintaining the acceptable level of safety.

We disagree with the commenter's request to change the corrective action requirement in paragraph (g)(2) of this AD. The requirements of this AD correspond with those specified in the MCAI. The MCAI refers to Airbus Service Bulletin A330–71–3028, R02, which specifies that when any bolt is found with a torque out of limits, corrective actions must be done. We have determined that these actions are necessary to address the identified unsafe condition. However, under the provisions of paragraph (k)(1) of this AD, we will consider requests for approval of alternative corrective actions if sufficient data are submitted to substantiate that the alternative actions would provide an acceptable level of safety. We have not changed this AD regarding this issue.

Request To Allow Replacement Instead of Repair

Delta stated that paragraph (g)(2) of the proposed AD, which applies to the airplane (not the engine mount), would require repair before further flight. Delta interpreted this to mean the proposed AD would require repair of the forward engine mount before the airplane could return to flight. Delta requested that we revise the proposed AD to include a statement that explicitly allows replacement of damaged engine mounts, allowing the airplane to return to service as quickly as possible.

We partially agree with the commenter's request. We agree that replacement of an affected forward engine mount might be allowed as a corrective action and that a different compliance time may be acceptable. We have revised paragraph (g)(2) of this AD by replacing the proposed requirement to repair before further flight with the requirement to contact the FAA, EASA, or Airbus's EASA DOA before further flight to obtain applicable corrective action instructions approved by the FAA, EASA, or Airbus's EASA DOA, and to do applicable corrective actions within the compliance time specified in those instructions.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these changes:

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

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

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A330–71–3028, Revision 02, dated August 31, 2015. The service information describes procedures for repetitive torque checks for loose or broken forward engine mount bolts on both engines, replacement of all four forward engine mount bolts and associated nuts, and inspection of the forward mount assembly. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 41 airplanes of U.S. registry.

We also estimate that it would take about 3 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts would cost about $6,747 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $287,082, or $7,002 per product.

In addition, we estimate that any necessary follow-on actions would take about 1 work-hour and require parts costing $6,747, for a cost of $6,832 per product. We have no way of determining the number of aircraft that might need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–10–18 Airbus: Amendment 39–18892; Docket No. FAA–2016–8849; Directorate Identifier 2015–NM–174–AD.

(a) Effective Date

This AD is effective June 29, 2017.

(b) Affected ADs

This AD affects AD 2006–16–05, Amendment 39–14705 (71 FR 44185, August 4, 2006) (''AD 2006–16–05''); and AD 2013–14–04, Amendment 39–17509 (78 FR 68352, November 14, 2013) (''AD 2013–14–04'').

(c) Applicability

This AD applies to Airbus Model A330–223F, –223, –321, –322, and –323 airplanes, certificated in any category, all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 71, Powerplant.

(e) Reason

This AD was prompted by fatigue load analysis that determined the need for certain reduced inspection intervals and updated torque values of the forward engine mount pylon bolts. We are issuing this AD to detect and correct loose or broken bolts, which could lead to engine detachment in flight and damage to the airplane.

(f) Compliance

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

(g) Torque Check, Replacement, and Terminating Action for AD 2013–14–04

(1) At the applicable compliance time specified in table 1 to paragraph (g)(1) of this AD, do a torque check to determine if there are any loose or broken forward engine mount bolts (4 positions/engine) on both engines, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–71–3028, Revision 02, dated August 31, 2015. Repeat the torque check at the applicable time intervals not to exceed the values specified in table 1 to paragraph (g)(1) of this AD. For the purposes of this AD, the average flight time (AFT) is defined as a computation of the number of flight hours divided by the number of flight cycles accumulated since the most recent torque check or since the airplane's first flight, as applicable. Accomplishment of the initial torque check required by this paragraph terminates the requirements of AD 2013–14–04.

TABLE 1 TO PARAGRAPH (g)(1) OF THIS AD

Airplane models	Flight cycles accumulated as of December 19, 2013 (the effective date of AD 2013–14–04), since last torque check specified in Pratt & Whitney Alert Service Bulletin PW4G–100–A71–32 or since airplane's first flight, as applicable	Compliance time	Torque check interval (not to exceed)
Model A330–321, –322, and –323 airplanes with AFT more than 132 minutes; and Model A330–223 airplanes.	0–1,850	Within 2,350 flight cycles since the last torque check as specified in Pratt & Whitney Alert Service Bulletin PW4G–100–A71–32, or since airplane's first flight, as applicable.	2,350 flight cycles or 24,320 flight hours, whichever occurs first.
Model A330–321, –322, and –323 airplanes with AFT more than 132 minutes; and Model A330–223 airplanes.	1,851–2,700	Within 500 flight cycles after December 19, 2013 (the effective date of AD 2013–14–04), without exceeding 2,700 flight cycles since last torque check as specified in Pratt & Whitney Alert Service Bulletin PW4G–100–A71–32, or since airplane's first flight, as applicable; or within 3 months after December 19, 2013; whichever occurs later.	2,350 flight cycles or 24,320 flight hours, whichever occurs first.
Model A330–321, –322, and –323 airplanes with AFT 132 minutes or less; and Model A330–321, –322, and –323 airplanes on which the AFT is not calculated on a regular basis.	0–1,450	Within 1,950 flight cycles since the last torque check performed as specified in Pratt & Whitney Alert Service Bulletin PW4G–100–A71–32, or since airplane's first flight, as applicable.	1,950 flight cycles or 20,210 flight hours, whichever occurs first.
Model A330–321, –322, and –323 airplanes with AFT 132 minutes or less; and Model A330–321, –322, and -323 airplanes on which the AFT is not calculated on a regular basis.	1,451–2,700	Within 500 flight cycles after December 19, 2013 (the effective date of AD 2013–14–04), without exceeding 2,700 flight cycles since last torque check performed as specified in Pratt & Whitney Alert Service Bulletin PW4–100–A71–32, or since airplane's first flight, as applicable; or within 3 months after December 19, 2013; whichever occurs later.	1,950 flight cycles or 20,210 flight hours, whichever occurs first.
Model A330–223F airplanes	Any	Within 2,140 flight cycles or 6,600 flight hours, whichever occurs first since the last torque check performed as specified in Pratt & Whitney Alert Service Bulletin PW4G–100–A71–32, or since airplane's first flight, as applicable.	2,140 flight cycles or 6,600 flight hours, whichever occurs first.

(2) If any loose or broken bolt is detected during the check required by paragraph (g)(1) of this AD, before further flight, do the actions specified by paragraphs (g)(2)(i) and (g)(2)(ii) of this AD, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–71–3028, Revision 02, dated August 31, 2015; except, where the service information specifies to contact the manufacturer for further corrective actions, before further flight contact 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); to obtain applicable corrective action instructions approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA; and accomplish the applicable corrective actions within the compliance time specified in those instructions.

(i) Replace all four forward engine mount bolts and associated nuts, on the engine where the loose or broken bolt was detected, with new bolts and nuts.

(ii) Do nondestructive inspections of the forward mount assembly for damage including cracks, dents, nicks, and scratches, and do all applicable corrective actions.

(3) Replacement of bolts and nuts as required by paragraph (g)(2)(i) of this AD is not terminating action for the repetitive torque checks required by paragraph (g)(1) of this AD.

(h) Terminating Action for Paragraph (g) of AD 2006–16–05

Accomplishment of the actions required by paragraph (g) of this AD terminates the requirements specified in paragraph (g) of AD 2006–16–05.

(i) Parts Installation Prohibition

As of December 19, 2013 (the effective date of AD 2013–14–04), no person may install, on any airplane, any forward mount pylon bolt made of INCO718 material and having Pratt & Whitney part number 54T670.

(j) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraphs (g)(1) and (g)(2)(i) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A330–71–3028, dated December 16, 2011, or Airbus Service Bulletin A330–71–3028, Revision 01, dated February 20, 2012.

(k) 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: 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. 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:* 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 EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (g)(2) 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.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2015–0214, dated October 19, 2015, 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–2016–8849.

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

(m) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A330–71–3028, Revision 02, dated August 31, 2015.

(ii) Reserved.

(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.*

(4) 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.

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

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

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10282 Filed 5–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9431; Directorate Identifier 2016–NM–104–AD; Amendment 39–18897; AD 2017–10–23]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A321 series airplanes. This AD was prompted by a determination that cracks could develop on holes at certain fuselage frame locations. This AD requires repetitive inspections for cracking on holes at certain fuselage frame locations, and repairs if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 29, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of June 29, 2017.

ADDRESSES: For service information identified in this final rule, 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. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9431.

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–2016–9431; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: 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:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Model A321 series airplanes. The NPRM published in the **Federal Register** on December 2, 2016 (81 FR 86975). The NPRM was prompted by a determination from fatigue testing on the Model A321 airframe that cracks could develop on holes at certain fuselage frame locations. The NPRM proposed to require repetitive inspections for cracking on holes at certain fuselage frame locations, and repairs if necessary. We are issuing this AD to detect and correct cracking at certain hole locations in the fuselage frame, which could result in reduced structural integrity of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2016–0106, dated June 6, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition on certain Airbus Model A321 series airplanes. The MCAI states:

> Following a new full scale fatigue test campaign on the A321 airframe, in the context of the A321 extended service goal, it was identified that cracks could develop on holes at frame (FR) 35.2A between stringers (STR) 22 and STR 23 on right hand (RH) and left hand (LH) sides, also on aeroplanes operated in the context of design service goal.
>
> This condition, if not detected and corrected, could reduce the structural integrity of the fuselage.
>
> Prompted by these findings, Airbus developed an inspection programme, published in Service Bulletin (SB) A320–53–1315 and SB A320–53–1316, each containing instructions for a different location.

For the reasons described above, this [EASA] AD requires repetitive special detailed (rototest) inspections (SDI) of the affected holes [for cracking] and, depending on findings, accomplishment of a repair.

This [EASA] AD is considered an interim action, pending development of a permanent solution.

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–2016–9431.

Comments

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

Request To Use Later Approved Service Information Revisions

Delta Airlines (DAL) requested that we revise the NPRM to permit use of later approved revisions of service information as we have done in previous alternative methods of compliance (AMOCs). DAL stated that Airbus service bulletins are EASA approved, and through the bi-lateral agreement with the European Union, these subsequent service bulletin revisions should be allowed to be used by U.S. operators without seeking an AMOC. DAL also explained that having the ability to utilize future service bulletin revisions without seeking an AMOC is more efficient and preserves the required level of safety.

We do not agree with DAL's request. While we acknowledge that we allow the use of later approved revisions of service information in AMOCs, we may not allow use of ''later FAA-approved revisions'' in an AD when referring to the service document. Doing so violates Office of the Federal Register (OFR) regulations for approval of materials ''incorporated by reference,'' as specified in 1 CFR 51.1(f).

In general terms, we are required by the OFR regulations to either publish the service document contents as part of the actual AD language; or submit the service document to the OFR for approval as ''referenced'' material, in which case we may only refer to such material in the text of an AD. The AD may refer to the service document only if the OFR approved it for ''incorporation by reference.'' See 1 CFR part 51.

To allow operators to use later revisions of the referenced document (issued after publication of the AD), either we must revise the AD to reference specific later revisions, or operators must request approval to use later revisions as an AMOC under the provisions of paragraph (i)(1) of this AD. We have not changed this AD in this regard.

Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

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

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A320–53–1315, dated January 13, 2016; and Service Bulletin A320–53–1316, dated January 13, 2016. This service information describes procedures for doing a special detailed inspection for cracking at the tooling holes on frame 35.2A between stringer 22 and stringer 23, and repairs. These documents are distinct since they apply to different sides of the airplane. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 175 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	12 work-hours × $85 per hour = $1,020 per inspection cycle.	$0	$1,020 per inspection cycle.	$178,500 per inspection cycle

We have received no definitive data that will enable us to provide cost estimates for the on-condition actions specified in this 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 AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator,

the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–10–23 Airbus: Amendment 39–18897; Docket No. FAA–2016–9431; Directorate Identifier 2016–NM–104–AD.

(a) Effective Date

This AD is effective June 29, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus 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 53, Fuselage.

(e) Reason

This AD was prompted by a determination from fatigue testing on the Model A321 airframe that cracks could develop on holes at certain fuselage frame locations. We are issuing this AD to detect and correct cracking at certain hole locations in the fuselage frame, 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) Repetitive Inspections

At the later of the times specified in paragraphs (g)(1) and (g)(2) of this AD: Do a special detailed (rototest) inspection for cracking of the affected holes at frame 35.2A on the left-hand side and right-hand side between stringer 22 and stringer 23, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1315, dated January 13, 2016 (right-hand side); and Airbus Service Bulletin A320–53–1316, dated January 13, 2016 (left-hand side). Repeat the inspection of the affected holes thereafter at intervals not to exceed 21,500 flight cycles or 43,100 flight hours, whichever occurs first.

(1) Before exceeding 25,400 total flight cycles or 50,900 total flight hours since first flight of the airplane, whichever occurs first.

(2) Within 3,300 flight cycles after the effective date of this AD.

(h) Repair

If any crack is found during any inspection required by paragraph (g) of this AD: Before further flight, repair 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). Although the service information specified in paragraph (g) of this AD specifies to contact Airbus for repair instructions, and specifies that action as ''RC'' (Required for Compliance), this AD requires repair as specified in this paragraph. Repair of an airplane as required by this paragraph does not constitute terminating action for the repetitive actions required by paragraph (g) of this AD, unless specified otherwise in the instructions provided by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA.

(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 International Branch, send it to ATTN: 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. 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 EASA; or Airbus's EASA 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

Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2016–0106, dated June 6, 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–2016–9431.

(k) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A320–53–1315, dated January 13, 2016.

(ii) Airbus Service Bulletin A320–53–1316, dated January 13, 2016.

(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.*

(4) 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.

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

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

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10264 Filed 5–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0048; Directorate Identifier 2016–CE–035–AD; Amendment 39–18876; AD 2017–10–02]

RIN 2120–AA64

Airworthiness Directives; Slingsby Aviation Ltd. Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding airworthiness directive (AD) 2015–11–01 for Slingsby Aviation Ltd. Models T67M260 and T67M260–T3A airplanes. This AD results from mandatory continuing airworthiness information

(MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as failure of a brake master cylinder pivot pin, which could cause the rudder pedal mechanism to detach from the brake cylinder. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective June 29, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of June 29, 2017.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0048; or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

For service information identified in this AD, contact Marshall Aerospace and Defence Group, The Airport, Newmarket Road, Cambridge, CB5 8RX, UK; telephone: +44 (0) 1223 399856; fax: +44 (0) 7825365617; email: *mark.bright@marshalladg.com;* Internet: *www.marshalladg.com.* You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the Internet at *http://www.regulations.gov* by searching for Docket No. FAA–2017–0048.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Slingsby Aviation Ltd. Models T67M260 and T67M260–T3A airplanes. That NPRM was published in the **Federal Register** on February 7, 2017 (82 FR 9537), and proposed to supersede AD 2015–11–01, Amendment 39–18164 (80 FR 30136, May 27, 2015) (''AD 2015–11–01'').

Since we issued AD 2015–11–01, new service information was issued to revise the inspection instructions and to add a new initial inspection period after replacement of the brake master cylinder pivot pins.

The NPRM proposed to correct an unsafe condition for the specified products and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country. The MCAI states that:

> An occurrence was reported where pivot pin Part Number (P/N) T67M–45–539, of rudder pedal assembly #4, installed on the right hand (RH) side of the aeroplane (RH seat, RH pedal) failed during taxi. This caused the rudder pedal mechanism to detach from the brake master cylinder.
>
> This condition, if not detected and corrected, could cause the rudder linkages to rotate out of their normal orientation, possibly resulting in jammed rudder controls and consequent loss of control of the aeroplane.
>
> To address this potential unsafe condition, Slingsby Advanced Composites Ltd, trading as Marshall Aerospace and Defence Group (hereafter called ''Marshall'' in this [EASA] AD) issued Service Bulletin (SB) SBM 200 to provide inspection instructions.
>
> Consequently, EASA issued Emergency AD 2015–0065–E to require repetitive inspections of the brake cylinder pivot pins of rudder pedal assemblies #1 and #4 and, depending on findings, replacement of the affected pivot pin(s).
>
> Since that [EASA] AD was issued, Marshall published SBM 200 Revision 2 to revise the inspection instructions and to introduce a new initial inspection period after replacement of brake master cylinder pivot pins on an aeroplane.
>
> For the reason described above, this [EASA] AD retains the requirements of EASA AD 2015–065–E, which is superseded, but requires the use of the revised inspection instructions. This [EASA] AD also allows deferring the next due inspection after replacement of the pins.

The MCAI can be found in the AD docket on the Internet at: *https://www.regulations.gov/document?D=FAA-2017-0048-0002.*

Comments

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

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial changes. We have determined that these minor changes:

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

Related Service Information

Slingsby Aviation Ltd. trading as Marshall Aerospace and Defence Group has issued Marshall Aerospace and Defence Group Service Bulletin SBM 200, Revision 2, dated December 2015. The service bulletin describes procedures for inspection of the brake master cylinder pivot pin. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD will affect 3 products of U.S. registry. We also estimate that it would take about 6 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts would cost about $50 per product.

Based on these figures, we estimate the cost of the AD on U.S. operators to be $1,680, or $560 per product.

In addition, we estimate that any necessary follow-on actions would take about .5 work-hour and require parts costing $100, for a cost of $142.50 per product. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

responsibilities among the various levels of government.

For the reasons discussed above, I certify this AD:

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

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

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

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

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–2017–0048; 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 the NPRM, 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.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–18164 (80 FR 30136; May 27, 2015) and adding the following new AD:

2017–10–02 Slingsby Aviation Ltd.: Amendment 39–18876; Docket No. FAA–2017–0048; Directorate Identifier 2016–CE–035–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective June 29, 2017.

(b) Affected ADs

This AD supersedes AD 2015–11–01, Amendment 39–18164 (80 FR 30136, May 27, 2015) (''AD 2015–11–01'').

(c) Applicability

This AD applies to Slingsby Aviation Ltd. Models T67M260 and T67M260–T3A airplanes, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 27: Flight Controls.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as failure of a brake master cylinder pivot pin, which could cause the rudder pedal mechanism to detach from the brake cylinder. We are issuing this AD to detect and correct discrepancies of the brake master cylinder pivot pin, which could lead to detachment of the rudder pedal mechanism from the brake master cylinder with consequent loss of control.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) through (3) of this AD:

(1) Within 300 hours time-in-service (TIS) after June 29, 2017 (the effective date of this AD) or within 300 hours TIS after the last inspection required by AD 2015–11–01, whichever occurs first, and repetitively thereafter at intervals not to exceed 300 hours TIS or 12 months, whichever occurs first, inspect the brake master cylinder pivot pins part number (P/N) T67M–45–539 installed on rudder pedal assemblies number 1 and number 4. Do this action following paragraph C. INSPECTION of the Accomplishment Instructions in Marshall Aerospace and Defense Group Service Bulletin SBM 200, Revision 2, dated December 2015 (''SBM 200, Revision 2'').

(2) If any cracking or distortion of the brake master cylinder pivot pins is found or the pivot pin fails the dimensional check during any of the inspections required in paragraph (f)(1) of this AD, before further flight, replace the affected pivot pin with a serviceable part following paragraph C. INSPECTION of the Accomplishment Instructions in SBM 200, Revision 2.

(3) Replacement of the brake master cylinder pivot pins as required by paragraph (f)(2) of this AD does not terminate the repetitive inspections required by paragraph (f)(1) of this AD. If both brake master cylinder pivot pins are replaced at the same time, the first repetitive inspection after replacement of the pivot pins can be deferred until 1,000 hours TIS after replacement of the pivot pins.

(g) Credit for Actions Accomplished in Accordance With Previous Service Information

This AD provides credit for any inspections required in paragraph (f)(1) of this AD if completed before June 29, 2017 (the effective date of this AD) following the Accomplishment Instructions of Marshall Aerospace and Defense Group Service Bulletin SBM 200, Revision 1, dated April 2015.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(i) Related Information

Refer to MCAI EASA AD 2016–0214, dated October 27, 2016, for related information. The MCAI can be found in the AD docket on the Internet at: *https://www.regulations.gov/document?D=FAA–2017–0048–0002.*

(j) Material Incorporated by Reference

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

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

(i) Marshall Aerospace and Defense Group Service Bulletin SBM 200, Revision 2, dated December 2015.

(ii) Reserved.

(3) For service information identified in this AD, contact Marshall Aerospace and Defence Group, The Airport, Newmarket Road, Cambridge, CB5 8RX, UK; telephone: +44 (0) 1223 399856; fax: +44 (0) 7825365617; email: *mark.bright@marshalladg.com;* Internet: *www.marshalladg.com.*

(4) You may view this service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. In addition, you can access this service information on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0048.

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

Issued in Kansas City, Missouri, on May 3, 2017.

Melvin Johnson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10403 Filed 5–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 31138; Amdt. No. 533]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

DATES: Effective Date: 0901 UTC, June 22, 2017.

FOR FURTHER INFORMATION CONTACT: Thomas J Nichols, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Conclusion

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. 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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, DC on May 19, 2017.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, June 22, 2017.

■ 1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

■ 2. Part 95 is amended to read as follows:

Revisions to IFR Altitudes & Changeover Point Amendment 533 Effective Date June 22, 2017

FROM	TO	MEA	MAA
§ 95.3000 Low Altitude RNAV Routes			
§ 95.3257 RNAV Route T257 Is Amended by Adding			
VENTURA, CA VOR/DME	SAN MARCUS, CA VORTAC	6300	17500
SAN MARCUS, CA VORTAC	MORRO BAY, CA VORTAC	7300	17500
MORRO BAY, CA VORTAC	CALIS, CA FIX	4100	17500
CALIS, CA FIX	BLANC, CA FIX	3400	17500
BLANC, CA FIX	HNNTR, CA WP	6600	17500
HNNTR, CA WP	DUBSS, CA WP	7000	17500
DUBSS, CA WP	CAATE, CA WP	6900	17500
CAATE, CA WP	CHAWZ, CA WP	3900	17500
CHAWZ, CA WP	PORTE, CA FIX	4200	17500
PORTE, CA FIX	THHEO, CA WP	4200	17500
THHEO, CA WP	JAMIN, CA WP	4300	17500
JAMIN, CA WP	POINT REYES, CA VOR/DME	4300	17500
POINT REYES, CA VOR/DME	FREES, CA FIX	3500	17500
FREES, CA FIX	NACKI, CA WP	4900	17500
NACKI, CA WP	MENDOCINO, CA VORTAC	5600	17500
MENDOCINO, CA VORTAC	MERRI, CA FIX	5600	17500
MERRI, CA FIX	FLUEN, CA FIX	5700	17500
FLUEN, CA FIX	PLYAT, CA FIX	6800	17500

FROM	TO	MEA	MAA
PLYAT, CA FIX	CCHUK, CA WP	6700	17500
CCHUK, CA WP	CICRO, CA WP	4800	17500
CICRO, CA WP	SEGVE, CA FIX	3800	17500
SEGVE, CA FIX	SCUPY, CA WP	2400	17500
SCUPY, CA WP	OLJEK, CA FIX	2200	17500
OLJEK, CA FIX	CIGGA, CA WP	1700	17500
CIGGA, CA WP	FURNS, CA WP	2200	17500
FURNS, CA WP	MITUE, OR FIX	4700	17500
MITUE, OR FIX	JANAS, OR FIX	4600	17500
JANAS, OR FIX	NEWPORT, OR VORTAC	4300	17500
NEWPORT, OR VORTAC	CUTEL, OR FIX	4100	17500
CUTEL, OR FIX	EYCEH, OR WP	4100	17500
EYCEH, OR WP	ILWAC, WA FIX	2300	17500
ILWAC, WA FIX	ZEDAT, WA FIX	2300	17500
ZEDAT, WA FIX	WAVLU, WA FIX	2900	17500
WAVLU, WA FIX	HOQUIAM, WA VORTAC	2900	17500
HOQUIAM, WA VORTAC	COPLS, WA WP	2600	17500
COPLS, WA WP	WAPTO, WA FIX	2900	17500
WAPTO, WA FIX	OZETT, WA WP	3700	17500
OZETT, WA WP	TATOOSH, WA VORTAC	4300	17500
Is Amended To Delete			
BIG SUR, CA VORTAC	ISIFU, CA FIX	7300	17500
ISIFU, CA FIX	SUTRO, CA FIX	4900	17500
SUTRO, CA FIX	POINT REYES, CA VOR/DME	4000	17500
§ 95.3259 RNAV Route T259 Is Amended by Adding			
LAKE HUGHES, CA VORTAC	SHAFTER, CA VORTAC	8800	17500
SHAFTER, CA VORTAC	AVENAL, CA VOR/DME	4300	17500
AVENAL, CA VOR/DME	MBARI, CA WP	6600	17500
MBARI, CA WP	LKHRN, CA WP	6200	17500
LKHRN, CA WP	SALINAS, CA VORTAC	6000	17500
SALINAS, CA VORTAC	CAATE, CA WP	4000	17500
CAATE, CA WP	SANTY, CA FIX	*4000	17500
*3300—MOCA			
SANTY, CA FIX	SAPID, CA FIX	5200	17500
SAPID, CA FIX	CRTER, CA WP	5500	17500
CRTER, CA WP	NORCL, CA WP	6000	17500
NORCL, CA WP	*MOVDD, CA WP	6000	17500
*5000—MCA MOVDD, CA WP, SW BND			
MOVDD, CA WP	OOWEN, CA WP	3500	17500
OOWEN, CA WP	OXJEF, CA WP	2300	17500
OXJEF, CA WP	*SAAGO, CA WP	7000	17500
*9600—MCA SAAGO, CA WP, E BND			
SAAGO, CA WP	*BNAKI, CA WP	11500	17500
*13200—MCA BNAKI, CA WP, E BND			
BNAKI, CA WP	WEXIM, CA WP	14700	17500
WEXIM, CA WP	NIKOL, CA FIX	14600	17500
NIKOL, CA FIX	DAYMN, NV WP	13100	17500
DAYMN, NV WP	ELY, NV VOR/DME	12100	17500
Is Amended To Delete			
SAN JOSE, CA VOR/DME	CEDES, CA FIX	6200	17500
CEDES, CA FIX	MOVDD, CA WP	5900	17500
*5000—MCA MOVDD, CA WP, SW BND			
MOVDD, CA WP	SACRAMENTO, CA VORTAC	3200	17500
§ 95.3261 RNAV Route T261 Is Amended by Adding			
SANTA CATALINA, CA VORTAC	GAVIOTA, CA VORTAC	6900	17500
GAVIOTA, CA VORTAC	MORRO BAY, CA VORTAC	*6200	17500
*5700—MOCA			
MORRO BAY, CA VORTAC	CLMNS, CA FIX	4100	17500
CLMNS, CA FIX	HRRNG, CA WP	2300	17500
HRRNG, CA WP	HMPBK, CA WP	2300	17500
*4300—MCA HMPBK, CA WP, N BND			
HMPBK, CA WP	WOZZZ, CA WP	5400	17500
*6600—MCA WOZZZ, CA WP, N BND			
WOZZZ, CA WP	DUBSS, CA WP	6900	17500
SALINAS, CA VORTAC	KARNN, CA FIX	5500	17500
KARNN, CA FIX	WINDY, CA FIX	4700	17500

FROM	TO	MEA	MAA
WINDY, CA FIX	SMONE, CA WP	5700	17500
SMONE, CA WP	MOVDD, CA WP	5700	17500
*4700—MCA MOVDD, CA WP, SE BND			
MOVDD, CA WP	RBLEW, CA WP	3600	17500
RBLEW, CA WP	GIFME, CA WP	2500	17500
GIFME, CA WP	HNNRY, CA WP	2500	17500
HNNRY, CA WP	GRIDD, CA FIX	3400	17500
*2600—MCA GRIDD, CA FIX, S BND			
GRIDD, CA FIX	TALUM, CA FIX	1800	17500
TALUM, CA FIX	JINGO, CA FIX	1900	17500
JINGO, CA FIX	GONGS, CA FIX	1800	17500
GONGS, CA FIX	HOMAN, CA FIX	4800	17500
HOMAN, CA FIX	GARSA, CA FIX	5500	17500
GARSA, CA FIX	CCAPS, CA WP	9000	17500
CCAPS, CA WP	MUREX, CA FIX	9500	17500
MUREX, CA FIX	MIXUP, OR FIX	8600	17500
MIXUP, OR FIX	PIIKZ, OR WP	8600	17500
PIIKZ, OR WP	TUPSE, OR WP	9400	17500
TUPSE, OR WP	DESCHUTES, OR VORTAC	6800	17500
DESCHUTES, OR VORTAC	HERBS, OR FIX	6300	17500
HERBS, OR FIX	CUPRI, OR FIX	6100	17500
CUPRI, OR FIX	SUPOC, OR WP	5500	17500
SUPOC, OR WP	KUKTE, OR FIX	6000	17500
KUKTE, OR FIX	VECCU, WA FIX	5500	17500
VECCU, WA FIX	SUNSN, WA WP	7000	17500
SUNSN, WA WP	MUDLE, WA FIX	7100	17500
MUDLE, WA FIX	YAKIMA, WA VORTAC	5300	17500
YAKIMA, WA VORTAC	SELAH, WA FIX	5400	17500
SELAH, WA FIX	GEBTE, WA FIX	6000	17500
GEBTE, WA FIX	LARDY, WA WP	6000	17500
LARDY, WA WP	QUINT, WA FIX	6400	17500
QUINT, WA FIX	KLSEY, WA WP	5200	17500
KLSEY, WA WP	PAWYO, WA WP	5100	17500
PAWYO, WA WP	HVARD, WA WP	5400	17500
HVARD, WA WP	SOFFE, WA WP	6500	17500
SOFFE, WA WP	JSTEN, WA WP	6900	17500

Is Amended To Delete

WOODSIDE, CA VOR/DME	ALTAM, CA FIX	5000	17500

§ 95.3263 RNAV Route T263 Is Amended by Adding

FILLMORE, CA VORTAC	DERBB, CA FIX	11000	17500
DERBB, CA FIX	AVENAL, CA VOR/DME	6600	17500
AVENAL, CA VOR/DME	PANOCHE, CA VORTAC	7100	17500
PANOCHE, CA VORTAC	WINDY, CA FIX	6400	17500
WINDY, CA FIX	SMONE, CA WP	5700	17500
SMONE, CA WP	MOVDD, CA WP	5700	17500
MOVDD, CA WP	RBLEW, CA WP	3600	17500
RBLEW, CA WP	PITTS, CA FIX	3400	17500
PITTS, CA FIX	SCAGGS ISLAND, CA VORTAC	3400	17500
SCAGGS ISLAND, CA VORTAC	POPES, CA FIX	4800	17500
POPES, CA FIX	NAKPT, CA WP	5400	17500
NAKPT, CA WP	DIBLE, CA FIX	4800	17500
DIBLE, CA FIX	KENDL, CA FIX	4900	17500
KENDL, CA FIX	FOLDS, CA FIX	6900	17500
FOLDS, CA FIX	HOMEG, CA WP	10400	17500
HOMEG, CA WP	ZUNAS, CA FIX	9900	17500
ZUNAS, CA FIX	TALEM, OR FIX	9500	17500
TALEM, OR FIX	OREGN, OR WP	7800	17500
OREGN, OR WP	EROWY, OR WP	6000	17500
EROWY, OR WP	NOTTI, OR FIX	5400	17500
NOTTI, OR FIX	CORVALLIS, OR VOR/DME	4200	17500
CORVALLIS, OR VOR/DME	ARTTY, OR FIX	4000	17500
ARTTY, OR FIX	NEWBERG, OR VOR/DME	3900	17500
NEWBERG, OR VOR/DME	LOATH, OR FIX	4400	17500
LOATH, OR FIX	WINLO, WA FIX	5200	17500
WINLO, WA FIX	ULESS, WA FIX	5400	17500
ULESS, WA FIX	MTLOK, WA WP	5800	17500
MTLOK, WA WP	QUIIN, WA WP	7200	17500
QUIIN, WA WP	ARRIE, WA FIX	9100	17500
ARRIE, WA FIX	ELWHA, WA WP	8900	17500

FROM	TO	MEA	MAA
Is Amended To Delete			
SUNOL, CA FIX	SCAGGS ISLAND, CA VORTAC	4600	17500
§ 95.3298 RNAV Route T298 Is Added To Read			
OAKLAND, CA VOR/DME	SALAD, CA FIX	4300	17500
*4800—MCA SALAD, CA FIX, E BND			
SALAD, CA FIX	ALTAM, CA FIX	5000	17500
*4600—MCA ALTAM, CA FIX, W BND			
ALTAM, CA FIX	RBLEW, CA WP	4400	17500
*2700—MCA RBLEW, CA WP, W BND			
RBLEW, CA WP	ORANG, CA FIX	1800	17500
ORANG, CA FIX	EVETT, CA WP	1800	17500
*2500—MCA EVETT, CA WP, E BND			
EVETT, CA WP	ELKHN, CA WP	6300	17500
*7500—MCA ELKHN, CA WP, E BND			
ELKHN, CA WP	SMURA, CA WP	9600	17500
*11700—MCA SMURA, CA WP, E BND			
SMURA, CA WP	NIKOL, CA FIX	14600	17500
*12200—MCA NIKOL, CA FIX, W BND			
NIKOL, CA FIX	COALDALE, NV VORTAC	11700	17500
COALDALE, NV VORTAC	KATTS, NV WP	11400	17500
KATTS, NV WP	KITTN, NV WP	13300	17500
KITTN, NV WP	WILSON CREEK, NV VORTAC	11600	17500
WILSON CREEK, NV VORTAC	WOOOP, UT WP	11900	17500
WOOOP, UT WP	MILFORD, UT VORTAC	11600	17500
MILFORD, UT VORTAC	DETAN, UT FIX	11900	17500
*12700—MCA DETAN, UT FIX, NE BND			
DETAN, UT FIX	EBOVE, UT WP	13400	17500
EBOVE, UT WP	CARBON, UT VOR/DME	13200	17500
CARBON, UT VOR/DME	MYTON, UT VOR/DME	11700	17500
MYTON, UT VOR/DME	ROCK SPRINGS, WY VOR/DME	13700	17500
ROCK SPRINGS, WY VOR/DME	DORTN, WY WP	10500	17500
DORTN, WY WP	CRAZY WOMAN, WY VOR/DME	9300	17500
§ 95.3329 RNAV Route T329 Is Added To Read			
MORRO BAY, CA VORTAC	PASO ROBLES, CA VORTAC	5000	17500
PASO ROBLES, CA VORTAC	LKHRN, CA WP	5900	17500
LKHRN, CA WP	PANOCHE, CA VORTAC	6900	17500
PANOCHE, CA VORTAC	MKNNA, CA WP	6400	17500
MKNNA, CA WP	OXJEF, CA WP	*6400	17500
*1600—MOCA			
OXJEF, CA WP	TIPRE, CA WP	2700	17500
TIPRE, CA WP	OLIPH, CA WP	2700	17500
OLIPH, CA WP	HNNRY, CA WP	2400	17500
HNNRY, CA WP	ROWWN, CA WP	1800	17500
*3200—MCA ROWWN, CA WP, W BND			
ROWWN, CA WP	RAGGS, CA FIX	5100	17500
RAGGS, CA FIX	POPES, CA FIX	4900	17500
POPES, CA FIX	NACKI, CA WP	5900	17500
§ 95.3331 RNAV Route T331 Is Added To Read			
NTELL, CA WP	MKNNA, CA WP	2300	17500
MKNNA, CA WP	KARNN, CA FIX	4700	17500
KARNN, CA FIX	VINCO, CA FIX	6600	17500
VINCO, CA FIX	NORCL, CA WP	6300	17500
NORCL, CA WP	MOVDD, CA WP	6000	17500
MOVDD, CA WP	EVETT, CA WP	3500	17500
EVETT, CA WP	TIPRE, CA WP	2700	
TIPRE, CA WP	ESSOH, CA WP	6300	17500
*7800—MCA ESSOH, CA WP, NE BND			
ESSOH, CA WP	SQUAW VALLEY, CA VOR/DME	11200	17500
SQUAW VALLEY, CA VOR/DME	TRUCK, CA FIX	11200	17500
TRUCK, CA FIX	MUSTANG, NV VORTAC	11600	17500
MUSTANG, NV VORTAC	HIXUP, NV WP	10300	17500
HIXUP, NV WP	LOVELOCK, NV VORTAC	9300	17500
LOVELOCK, NV VORTAC	CUTVA, NV FIX	10500	17500
*11900—MCA CUTVA, NV FIX, E BND			
CUTVA, NV FIX	BATTLE MOUNTAIN, NV VORTAC	11900	17500
BATTLE MOUNTAIN, NV VORTAC	PARZZ, NV WP	10900	17500
PARZZ, NV WP	DRYAD, ID FIX	10700	17500

FROM	TO	MEA	MAA
DRYAD, ID FIX	TULIE, ID WP	11400	17500
TULIE, ID WP	AMFAL, ID WP	8300	17500
AMFAL, ID WP	POCATELLO, ID VOR/DME	8300	17500
POCATELLO, ID VOR/DME	VIPUC, ID WP	7700	17500
VIPUC, ID WP	IDAHO FALLS, ID VOR/DME	7100	17500
IDAHO FALLS, ID VOR/DME	PULTE, ID FIX	7100	17500
PULTE, ID FIX	SABAT, ID FIX	7600	17500
SABAT, ID FIX	WAHNZ, ID WP	9900	17500
WAHNZ, ID WP	BUFVO, WY WP	11700	17500
BUFVO, WY WP	SPECT, MT WP	14900	17500
SPECT, MT WP	BILLINGS, MT VORTAC	8300	17500
BILLINGS, MT VORTAC	TRUED, MT WP	6100	17500
TRUED, MT WP	EXADE, MT FIX	5900	17500
EXADE, MT FIX	JEKOK, ND WP	4400	17500
JEKOK, ND WP	FONIA, ND FIX	4000	17500

§ 95.3333 RNAV Route T333 Is Added To Read

KLIDE, CA FIX	BORED, CA FIX	6200	17500
BORED, CA FIX	SMONE, CA WP	6100	17500
SMONE, CA WP	OOWEN, CA WP	5700	17500
*4200—MCA OOWEN, CA WP, S BND			
OOWEN, CA WP	EVETT, CA WP	2300	17500
EVETT, CA WP	TIPRE, CA WP	2700	17500

FROM	TO	MEA

§ 95.6001 VICTOR ROUTES—U.S.
§ 95.6087 VOR Federal Airway V87 Is Amended To Delete

SCAGGS ISLAND, CA VORTAC	MAXWELL, CA VORTAC	5300
MAXWELL, CA VORTAC	RED BLUFF, CA VORTAC	3000

§ 95.6088 VOR Federal Airway V88 Is Amended To Read in Part

NARCI, OK FIX	*WACCO, MO FIX	**6200
*6200—MCA WACCO, MO FIX, SW BND		
**3100—MOCA		
**4000—GNSS MEA		
WACCO, MO FIX	*QUALM, MO FIX	**3700
*3700—MCA QUALM, MO FIX, W BND		
**2500—MOCA		
QUALM, MO FIX	SPRINGFIELD, MO VORTAC	3000

§ 95.6109 VOR Federal Airway V109 Is Amended To Delete

PANOCHE, CA VORTAC	VOLTA, CA FIX	5000
VOLTA, CA FIX	MANTECA, CA VOR/DME	*3000
*3000—GNSS MEA		
MANTECA, CA VOR/DME	BYRON, CA FIX	2000
BYRON, CA FIX	ALTAM, CA FIX	.....
W BND	.....	4500
E BND	.....	3500
ALTAM, CA FIX	*SALAD, CA FIX	5000
*4700—MCA SALAD, CA FIX, NE BND		
SALAD, CA FIX	*OAKLAND, CA VOR/DME	4000
*4700—MCA OAKLAND, CA VOR/DME, NE BND		

§ 95.6113 VOR Federal Airway V113 Is Amended To Delete

PANOCHE, CA VORTAC	VOLTA, CA FIX	5000
VOLTA, CA FIX	MANTECA, CA VOR/DME	#*3000
*3000—GNSS MEA		
#MANTECA R–147 UNUSABLE		
MANTECA, CA VOR/DME	LINDEN, CA VOR/DME	2000

Is Amended To Read in Part

PANOCHE, CA VORTAC	PATYY, CA FIX	5000
PATYY, CA FIX	MODESTO, CA VOR/DME	*3000
*1500—MOCA		
MODESTO, CA VOR/DME	LINDEN, CA VOR/DME	2000

FROM	TO	MEA
§ 95.6115 VOR Federal Airway V115 Is Amended To Read in Part		
JAMESTOWN, NY VOR/DME *11000—MCA LANGS, NY FIX, NE BND	*LANGS, NY FIX	3900
§ 95.6161 VOR Federal Airway V161 Is Amended To Read In Part		
TULSA, OK VORTAC	NOVEL, OK FIX	3100
§ 95.6190 VOR Federal Airway V190 Is Amended To Read In Part		
OSWEGO, KS VOR/DME *3700—MCA WACCO, MO FIX, E BND	*WACCO, MO FIX	3100
WACCO, MO FIX *3700—MCA QUALM, MO FIX, W BND **2500—MOCA	*QUALM, MO FIX	**3700
QUALM, MO FIX	SPRINGFIELD, MO VORTAC	3000
§ 95.6195 VOR Federal Airway V195 Is Amended To Delete		
MANTECA, CA VOR/DME *2900—MOCA	TRACY, CA FIX	*4100
TRACY, CA FIX *4700—MCA SUNOL, CA FIX, NE BND	*SUNOL, CA FIX	5200
SUNOL, CA FIX	OAKLAND, CA VOR/DME	4000
§ 95.6307 VOR Federal Airway V307 Is Amended To Read In Part		
OSWEGO, KS VOR/DME *2500—MOCA	CHANUTE, KS VOR/DME	*3000
§ 95.6405 VOR Federal Airway V405 Is Amended To Read In Part		
SOLBERG, NJ VOR/DME *2500—MOCA	CARMEL, NY VOR/DME	*3000
§ 95.6585 VOR Federal Airway V585 Is Amended To Delete		
CLOVIS, CA VORTAC *3000—MCA MENDO, CA FIX, SW BND	*MENDO, CA FIX	2000
MENDO, CA FIX	PANOCHE, CA VORTAC	4500
PANOCHE, CA VORTAC	VOLTA, CA FIX	5000
VOLTA, CA FIX *3000—GNSS MEA MANTECA R–147 UNUSABLE	MANTECA, CA VOR/DME	#*3000
MANTECA, CA VOR/DME	LODDI, CA FIX	2000
LODDI, CA FIX	SACRAMENTO, CA VORTAC	3000

FROM	TO	MEA	MAA
§ 95.7001 Jet Routes			
§ 95.7058 Jet Route J58 Is Amended To Delete			
OAKLAND, CA VOR/DME	MANTECA, CA VOR/DME	18000	45000
MANTECA, CA VOR/DME	COALDALE, NV VORTAC	18000	45000
§ 95.7080 Jet Route J80 Is Amended To Delete			
OAKLAND, CA VOR/DME	MANTECA, CA VOR/DME	18000	45000
MANTECA, CA VOR/DME	COALDALE, NV VORTAC	18000	45000
§ 95.7094 Jet Route J94 Is Amended To Delete			
OAKLAND, CA VOR/DME	MANTECA, CA VOR/DME	18000	45000
MANTECA, CA VOR/DME	MUSTANG, NV VORTAC	19000	45000

[FR Doc. 2017–10741 Filed 5–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0383]

Drawbridge Operation Regulation; Petaluma River, Haystack Landing, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Northwestern Pacific (Haystack Landing) railroad bridge across Petaluma River, mile 12.4 at Haystack Landing (Petaluma), CA. The deviation is necessary to allow the bridge owner to perform necessary bridge maintenance. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

DATES: This deviation is effective from 7 a.m. on May 31, 2017 to 3 p.m. on June 1, 2017.

ADDRESSES: The docket for this deviation, [USCG–2017–0383], is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Carl T. Hausner, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516; email *Carl.T.Hausner@uscg.mil.*

SUPPLEMENTARY INFORMATION: Sonoma-Marin Area Rail Transit has requested a temporary change to the operation of the Northwestern Pacific (Haystack Landing) railroad bridge, mile 12.4, over Petaluma River, at Haystack Landing (Petaluma), CA. The drawbridge navigation span provides a vertical clearance of 3 feet above Mean High Water in the closed-to-navigation position. The draw operates as required by 33 CFR 117.187(a). Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position from 7 a.m. on May 31, 2017 to 3 p.m. on June 1, 2017, to allow the bridge owner to perform necessary bridge maintenance and change the gear reducer fluid. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised.

Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge will not be able to open for emergencies, and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: May 18, 2017.

C.T. Hausner,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2017–10705 Filed 5–24–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0312]

RIN 1625–AA00

Safety Zone; Upper Mississippi River, St. Louis, MO

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Upper Mississippi River near St. Louis, MO. This temporary safety zone is necessary to protect persons and property from potential damage and safety hazards during a fireworks display on and over the navigable waterway. During the period of enforcement, entry into the safety zone is prohibited unless specifically authorized by the Captain of the Port Upper Mississippi River or other designated representative.

DATES: This rule is effective from 8:30 p.m. on May 28, 2017 through 10 p.m. on May 29, 2017. This rule will be enforced from 8.30 p.m. to 10 p.m. on May 28, 2017, unless the fireworks display is postponed because of adverse weather, in which case this rule will be enforced from 8.30 p.m. to 10 p.m. on May 29, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0312 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 LCDR Sean Peterson, Chief of Prevention, Sector Upper Mississippi River, U.S. Coast Guard; telephone 314–269–2332, email *Sean.M.Peterson@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

BNM Broadcast Notice to Mariners
CFR Code of Federal Regulations
COTP Captain of the Port Upper Mississippi River
DHS Department of Homeland Security
FR Federal Register
LNM Local Notice to Mariners
NPRM Notice of proposed rulemaking
§ Section
UMR Upper Mississippi River
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 the Coast Guard did not receive the application until February 23, 2017. After full review of the details for the planned and locally advertised displays, the Coast Guard determined action is needed to protect people and property from the safety hazards associated with the fireworks display on the Upper Mississippi River (UMR) near St. Louis, MO. It is impracticable to publish an NPRM because we must establish this safety zone by May 28, 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 the rule is contrary to the public interest as it would delay the effectiveness of the

temporary safety zone needed to respond to potential related safety hazards associated with the fireworks display.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The COTP has determined that potential hazards associated with the fireworks display will be a safety concern before, during, and after the display. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zone before, during, and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a safety zone from 8:30 p.m. on May 28, 2017 through 10 p.m. on May 29, 2017. This rule will be enforced from 8.30 p.m. to 10 p.m. on May 28, 2017, unless the fireworks display is postponed because of adverse weather, in which case this rule will be enforced from 8.30 p.m. to 10 p.m. on May 29, 2017. The safety zone will cover all navigable waters between miles 180 and 180.5 on the UMR in St. Louis, MO. Any changes to the planned schedule will be communicated to mariners using Broadcast Notice to Mariners (BNM) and Local Notice to Mariners (LNM). The safety zone is intended to ensure the safety of vessels and these navigable waters before, during and after the fireworks display. 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. These rules have not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, they have not been reviewed by the Office of Management and Budget.

This temporary final rule establishes a safety zone impacting a one-half mile area on the UMR for a limited time period of one hour and a half. During the enforcement period, vessels are prohibited from entering into or remaining within the safety zone unless specifically authorized by the COTP or other designated representative. Based on the location, limited safety zone area, and short duration of the enforcement period, this rule does not pose a significant regulatory impact. Additionally, notice of the safety zone or any changes in the planned schedule will be made via BNM and LNM. Permission to enter this safety zone must be requested from the COTP or other designated representative.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not

individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting two hours that will prohibit entry from mile 180 to 180.5 on the UMR. 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 § 165.T08–0689 to read as follows:

§ 165.08–0689 Safety Zone; Upper Mississippi River between miles 180 and 180.5; St. Louis, MO.

(a) *Location.* The following area is a safety zone: All navigable waters of the Upper Mississippi River between miles 180 to 180.5, St. Louis, MO.

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

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

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

(d) *Enforcement period.* This section will be enforced from 8.30 p.m. to 10 p.m. on May 28, 2017, unless the fireworks display is postponed because of adverse weather, in which case this rule will be enforced from 8.30 p.m. to 10 p.m. on May 29, 2017.

(e) *Informational broadcasts.* The COTP or a designated representative will inform the public through broadcast notices to mariners of the enforcement period for the safety zone as well as any changes in the dates and times of enforcement.

Dated: May 15, 2017.

M.L. Malloy,

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

[FR Doc. 2017–10701 Filed 5–24–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2017–0274]

RIN 1625–AA00

Safety Zones; Annual Events in the Captain of the Port Buffalo Zone—Bay Swim X

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: At various times throughout the month of June, the Coast Guard will enforce certain safety zones located in the Code of Federal Regulations. This notice of enforcement includes the Bay Swim X event. This action is necessary and intended for the safety of life and property on navigable waters during this event. During each enforcement period, no person or vessel may enter the respective safety zone without the permission of the Captain of the Port Buffalo.

DATES: The regulation in 33 CFR 165.939(a)(33) will be enforced on June 17, 2017 from 8:45 a.m. to 11:45 a.m.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email LT Michael Collet, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo, 1 Fuhrmann Blvd. Buffalo, NY 14203; telephone 716–843–9322, email *SectorBuffaloMarineSafety@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Safety Zones; Annual Events in the Captain of the Port Buffalo Zone listed in 33 CFR 165.939 for the following event:

(1) *Bay Swim, Erie, PA;* The safety zone listed in 33 CFR 165.939(a)(33) will be enforced from 8:45 a.m. to 11:45 a.m. on June 17, 2017.

Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within the safety zone during an enforcement period is prohibited unless authorized by the Captain of the Port Buffalo or his designated representative. Those seeking permission to enter the safety zone may request permission from the Captain of Port Buffalo via channel 16, VHF–FM. Vessels and persons granted permission to enter the safety zone shall obey the directions of the Captain of the Port Buffalo or his designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice of enforcement is issued under authority of 33 CFR 165.939 and 5 U.S.C. 552 (a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Buffalo determines that the safety zone need not be enforced for the full duration stated in this notice he or she may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

Dated: May 15, 2017.

J.S. Dufresne,

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

[FR Doc. 2017–10706 Filed 5–24–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2017–0102 and EPA–R01–OAR–2016–0758; FRL–9962–01–Region 1]

Air Plan Approval; NH; Nonattainment New Source Review and Prevention of Significant Deterioration Permit Program Revisions; Public Hearing Revisions for State Permitting Programs; Withdrawal of Permit Fee Program; Infrastructure Provisions for National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule and correcting amendment.

SUMMARY: The Environmental Protection Agency (EPA) is approving several different State Implementation Plan (SIP) revisions submitted to EPA by the New Hampshire Department of Environmental Services (NHDES). New Hampshire submitted to EPA on October 26, 2016, revisions satisfying the NHDES's earlier commitment to adopt and submit provisions that meet certain requirements of the federal Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) air permit program regulations. This action will convert to full approval EPA's September 25, 2015 conditional approval of New Hampshire's PSD and NNSR permit programs. This action also will approve NHDES's SIP revisions relating to several New Hampshire infrastructure SIPs, which were conditionally approved by EPA on December 16, 2015 and July 8, 2016.

Additionally, EPA is also approving: A January 31, 2017 SIP revision amending the public notice and hearing procedures for New Hampshire's NNSR, PSD, and minor NSR permit programs; a January 18, 2017 SIP revision withdrawing the State SIP's permit fee system; and a November 17, 2015 SIP revision that addresses the good neighbor provisions of New Hampshire's infrastructure SIP for the 2010 nitrogen oxide (NO_2) national ambient air quality standard (NAAQS). This action is being taken in accordance with the Clean Air Act (CAA).

Lastly, EPA issued a correcting amendment in the **Federal Register** on May 5, 2017. An error occurred in an amendatory instruction and the table entry for ''Infrastructure SIP for the 2010 SO_2 NAAQS'' could not be incorporated into the CFR. The EPA is correcting that error.

DATES: The correcting amendment is effective May 25, 2017. This direct final rule is effective July 24, 2017, unless EPA receives adverse comments by June 26, 2017. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2017–0102 and EPA–R01–OAR–2016–0758 at *https://www.regulations.gov,* or via email to *McDonnell.Ida@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Ida E. McDonnell, Manager, Air Permits, Toxics, and Indoor Programs Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square, Suite 100, (OEP05–2), Boston, MA 02109–3912, phone number (617) 918–1653, fax number (617) 918–0653, email *McDonnell.Ida@epa.gov.*

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

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I. New Hampshire's October 26, 2016 SIP Submittal Addressing EPA's September 25, 2015, December 16, 2015, and July 8, 2016 Conditional Approvals Regarding Env-A 600

A. What is the background information for EPA's September 25, 2015, December 16, 2015 and July 8, 2016 conditional approvals?

On September 25, 2015, EPA published a final conditional approval for NHDES's November 15, 2012 SIP revision. See 80 FR 57722. That conditional approval identified three provisions required under Federal PSD and NNSR program regulations that were not included in the State's November 15, 2012 SIP submittal.

On December 16, 2015 and July 8, 2016, EPA published final conditional

approvals of several of New Hampshire's infrastructure SIP revisions, *i.e.,* those for the 2008 ozone NAAQS, the 2008 lead NAAQS, the 2010 NO_2 NAAQS, the 2010 SO_2 NAAQS, the 1997 $PM_{2.5}$ NAAQS and the 2006 $PM_{2.5}$ NAAQS. These conditional approvals identified one of the same provisions that was not included in the State's November 15, 2012 SIP submittal, *i.e.,* notice of major source permits to affected states and Indian Governing bodies. See 80 FR 78135 and 81 FR 44542.

B. What is a conditional approval?

Under section 110(k)(4) of the CAA, EPA may conditionally approve a plan based on a commitment from the State to adopt specific enforceable measures by a date certain no later than one year from the effective date of final conditional approval. If the EPA subsequently determines that the State has met its commitment, EPA publishes a document in the **Federal Register** notifying the public that EPA is converting the conditional approval to a full approval.

However, if the State fails to meet its commitment in a timely manner, then the conditional approval automatically converts to a disapproval by operation of law without further action required by EPA. If that were to occur, EPA would then notify the State by letter. At that time, the conditionally approved SIP revisions would not be part of the State's approved SIP. EPA subsequently would publish a document in the **Federal Register** notifying the public that the conditional approval automatically converted to a disapproval.

C. What are the terms of the September 25, 2015, December 16, 2015, and July 8, 2016 conditional approvals?

EPA's September 25, 2015 conditional approval required the NHDES to submit revised regulations that address three separate provisions of EPA's PSD and NNSR program regulations that were not included in the State's November 15, 2012 SIP submittal. To address the conditional approval, on October 26, 2016, the NHDES submitted regulatory provisions for approval into the State's SIP. The three provisions include the following:

- 40 CFR 51.165(a)(5)(i), which notifies any owner or operator that approval to construct shall not relieve them of the responsibility to comply fully with applicable provisions of the plan and any other requirements under local, State or Federal law;
- 40 CFR 51.165(a)(6) and (7), which require additional record keeping and other requirements applicable at major stationary sources for projects that are not major modifications based on the required actual-to-projected actual test, but which have a ''reasonable possibility'' of resulting in a significant emission increase; and
- 40 CFR 51.166(q)(2)(iv), which requires notice of a draft PSD permit to be sent to, among other entities, state air agencies and Indian Governing bodies whose lands may be affected by emissions from the permitted source. Only the references to ''state air agencies'' and ''Indian Governing bodies'' were missing from New Hampshire's regulatory provision.

With respect to the issue noted previously relating to the State's obligation to provide notice to states and Indian governing bodies, EPA's December 16, 2015 conditional approval and July 8, 2016 conditional approval, applicable to the State's infrastructure SIPs (identified earlier in this action), both required the NHDES to address the requirements of CAA sections 110(a)(2)(C), (D) and (J) as they relate to the NHDES's obligation to send notice of draft PSD permits to other state air agencies and Indian Governing bodies whose lands may be affected by emissions from the permitted source, as required under 40 CFR 51.166(q)(2)(iv). The NHDES regulatory provisions submitted to EPA on October 26, 2016 also properly addressed these infrastructure SIP conditional approvals.

D. Were the terms of the September 25, 2015, December 16, 2015, and July 8, 2016 conditional approvals met?

As noted previously, on October 26, 2016, the NHDES submitted to EPA the three provisions identified in the September 25, 2015 conditional approval. EPA reviewed the three provisions and found they met the terms of the September 25, 2015 conditional approval. Accordingly, EPA is converting the September 25, 2015 conditional approval to a full approval. Also, as noted previously, because the October 26, 2016 submittal included provisions that met the terms of the December 16, 2015 and July 8, 2016 infrastructure conditional approvals, EPA is also converting the December 16, 2015 and July 8, 2016 conditional approvals to full approvals.

EPA provided an analysis of its approval of the three regulatory provisions in question in a technical support document (TSD), which is included in the docket and administrative record for this action.

E. Other Revisions to Env-A 600

NHDES's October 26, 2016 submittal also contained revisions to Env-A 618.01 and Env-A 619, for the purpose of updating to July 1, 2016 the incorporation by reference date used in the New Hampshire's regulations implementing 40 CFR 51.165 and 40 CFR 52.21. New Hampshire also requested in its October 26, 2016 SIP submittal that EPA remove from the New Hampshire SIP sections Env-A 619.03(c)(2) and (c)(3). By removing sections Env-A 619.03(c)(2) and (c)(3), New Hampshire's SIP-approved definitions of ''allowable emissions'' and ''potential to emit'' are now identical to EPA's definitions of those terms in 40 CFR 52.21 (as of July 1, 2016). The changes to these two definitions satisfies CAA section 110(l) because simply including the notion of federal enforceability into these definitions will not interfere with any applicable requirement concerning attainment of a NAAQS or reasonable further progress (as defined by the CAA) or any other applicable CAA requirement. Additionally, the State's October 26, 2016 submittal included a change to Env-A 619.07(d) so that the State regulations now correctly identify the proper citation for the public notice requirements relating to PSD permits.

II. Approval of New Hampshire's January 31, 2017 SIP Submittal Revising the Notice and Hearing Procedures for the State's NNSR, PSD, and Minor NSR Permit Programs

On January 31, 2017, New Hampshire submitted SIP revisions to Env-A 621, *Permit Notice and Hearing Procedures: Temporary Permits and Permits to Operate.* Env-A 621 establishes the public notice requirements for the State's NNSR, PSD and minor NSR permit programs, and replaces the current SIP-approved public notice requirements under Env-A 205, Public Notice and Hearing Procedures. The SIP revisions include provisions that render New Hampshire's PSD program's public notice requirements consistent with the Federal SIP-approved PSD program's public notice requirements under 40 CFR 51.166(q). The SIP revisions also render New Hampshire's NNSR permit program's public notice requirements consistent with the public notice requirements under 40 CFR 51.166(q), even though the applicable Federal rules only require SIP-approved NNSR permit programs to meet the less prescriptive air permit program public notice requirements under 40 CFR 51.161. Since the public notice requirements under 40 CFR 51.166(q)

are more comprehensive than 40 CFR 51.161, New Hampshire's revisions to the public notice requirements of its NNSR permit programs are fully approvable. Finally, New Hampshire's revisions to the public notice requirements applicable to its minor NSR permit program are consistent with 40 CFR 51.161. The minor NSR permit program consists of those federal permit rules that apply to new or modified emission units with emission increases below the PSD and NNSR program applicability threshold levels. Since the provisions of Env-A 621 are replacing and thus supersede the current SIP-approved public notice requirements under Env-A 205, *Public Notice and Hearing Procedures,* NHDES requested that EPA remove Env-A 205 from the SIP.

EPA has provided an analysis of these amendments in the TSD document which is included in the docket and administrative record for this action.

III. Approval of New Hampshire's January 18, 2017 SIP Submittal Withdrawing Env-A 700 Permit Fee System From SIP-Approved Regulations

On January 18, 2017, the NHDES submitted to EPA a SIP revision requesting the withdrawal of Env-A 700 *Permit Fee system* from the New Hampshire SIP. EPA is approving this revision on the grounds that it is consistent with the CAA Amendments of 1990 at section 110(a)(2)(L). That section of the CAA requires SIPs to contain permit fee programs which sufficiently cover the cost of SIP-approved major source permitting programs, *i.e.,* NNSR and PSD. Section 110(a)(2)(L) further states that the SIP requirement for a permit fee system may be superseded if a state's fee program under subchapter V of the CAA Amendments (colloquially referred to as the title V operating permit program) is applicable to the same sources and is approved by the Administrator. New Hampshire's title V operating permit program received interim approval in 1996 and full approval in 2001. In EPA's proposed interim approval, we stated that ''. . .New Hampshire has demonstrated that the state is collecting sufficient permit fees to meet EPA's [title V operating permitting program requirements].'' See 61 FR 42225 (August 14, 1996). Furthermore, New Hampshire's title V operating permit program covers the same sources as the SIP-approved major source permitting programs.

IV. Approval of New Hampshire's November 17, 2015 SIP Submittal Addressing the 2010 NO_2 NAAQS Infrastructure SIP Requirements Under Section 110(a)(2)(D)(i)(I) of the CAA

A. What is the background information for New Hampshire's November 17, 2015 SIP submittal?

On November 17, 2015, NHDES submitted to EPA as a SIP revision its ''Amendment to New Hampshire [*sic*] 2008 Ozone 8-hour and 2010 Nitrogen Dioxide 1-hour NAAQS Infrastructure SIPs to Address the Good Neighbor Requirements of Clean Air Act Section 110(a)(2)(D)(i)(I).'' EPA approved this submittal with respect to the 2008 ozone NAAQS on October 13, 2016 (81 FR 70631). Our evaluation of the submittal with respect to the 2010 NO_2 standard is discussed later in this preamble.

B. What is required under section 110(a)(2)(D(i)(I)?

Section 110(a)(2)(D)(i)(I) of the CAA, known as the ''good neighbor provision,'' requires each state to include ''adequate provisions'' in its SIP prohibiting ''any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any [national ambient air quality standard].'' 42 U.S.C. 7410(a)(2)(D)(i)(I). New Hampshire was required to address these provisions for the 2010 NO_2 NAAQS.

C. How did New Hampshire meet these requirements for the 2010 NO_2 NAAQS?

New Hampshire's infrastructure SIP submission to address the good neighbor requirements of CAA section 110(a)(2)(D)(i)(I) notes that on January 20, 2012, EPA designated all areas of the country as ''unclassifiable/attainment'' for the 2010 NO_2 NAAQS. EPA did this because design values (DVs) for the 2008–2010 period at all monitored sites met the NAAQS. Measurements from 2013–2015 indicate continued attainment of the 2010 NO_2 NAAQS throughout the country. New Hampshire currently operates one NO_2 monitor located in Londonderry. The DV is based on the 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations. The 98th percentile in 2014 and 2015 were 25.3 and 22.7 parts per billion (ppb), respectively. (The State has insufficient data to determine the DV for the entire period from 2013 through 2015 due to the lack of data capture in 2013.) The values from 2014 and 2015, however, are significantly less than the national ambient air quality standard for NO_2, which is 100 ppb. However, the absence of a violating ambient air quality monitor within the State is insufficient by itself to demonstrate that New Hampshire has met its interstate transport obligation. While the DV may help to assist in characterizing air quality within New Hampshire, section 110(a)(2)(D)(i)(I) specifically addresses the effects that sources within New Hampshire have on air quality in neighboring states. Therefore, an evaluation and analysis of DV's in neighboring states is appropriate.

Table I contains the highest NO_2 design values for the three states neighboring New Hampshire, *i.e.,* Maine, Vermont, and Massachusetts.

TABLE 1—HIGHEST NO_2 DESIGN VALUES IN PPB FOR AQS MONITORS IN MASSACHUSETTS, VERMONT, AND MAINE

State	AQS monitor site	Monitor location	Design value (2013–2015)
Maine	23–003–1100	Presque Isle	20
Massachusetts *	25–025–0002	Boston	51
Vermont	500210002	Rutland	37

* There were three monitoring sites with DV of 51 ppb in Massachusetts. Two were in Boston and one was in Worcester.

As shown by the Table 1 chart in this preamble, the highest NO_2 design value in each neighboring state is significantly less than the NO_2 NAAQS. As a result, EPA finds that sources or emissions activity from within New Hampshire will not interfere with other states' ability to attain and maintain the 2010 NO_2 NAAQS.

The New Hampshire submittal notes that New Hampshire nitrogen oxides (NO_X) emissions have been declining, with total statewide NO_X emissions dropping from 69,836 tons in 2002 to

37,292 tons in 2011. In 2014, statewide NO_X emissions were 36,014 tons. Our review of NO_X emissions data from New Hampshire sources, which New Hampshire has entered into the EPA National Emissions Inventory database, confirms this emission data. In light of the analysis, EPA is approving New Hampshire's infrastructure submittal for the 2010 NO_2 NAAQS as it pertains to section 110(a)(2)(D)(i)(I) of the CAA.

V. Final Action

A. Full Approval of EPA's September 25, 2015, December 16, 2015, and July 8, 2016 Conditional Approvals

EPA is approving the PSD and NNSR permitting program provisions included in NHDES's October 22, 2016 SIP submittal and is converting the September 25, 2015 conditional approval to a full approval. EPA is also converting the December 16, 2015 and July 8, 2016 conditional approvals relating to New Hampshire's infrastructure SIPs[1] for the 2008 ozone, 2008 Lead, 2010 SO_2, 2010 NO_2, 1997 $PM_{2.5}$, and the 2006 $PM_{2.5}$ NAAQS, to a full approval.

B. Approval of New Hampshire's January 31, 2017 SIP Submittal Revising the Notice and Hearing Procedures for the State's NNSR and PSD Permit Programs and Minor NSR Permit Program

EPA is approving into the New Hampshire SIP Env-A 621, *Permit Notice and Hearing Procedures: Temporary permits and Permits to Operate* submitted on January 31, 2017. In addition, since the provisions under Env-A 621 supersede the current SIP-approved public hearing provisions under Env-A 205 *Public Notice and Hearing Procedures,* EPA is removing Env-A 205 in its entirety from the SIP. Because the requirements of Env-621 are no less stringent that the requirements of Env-A 205, this SIP revision also meets section 110(l) of the CAA.

C. Approval of New Hampshire's January 18, 2017 SIP Submittal Withdrawing Env-A 700 Permit Fee System From SIP-Approved Regulations

EPA is approving NHDES's January 18, 2017 submittal requesting withdrawal of Env-A 700 *Permit Fee System* from the New Hampshire SIP. EPA finds that the New Hampshire SIP revision is consistent with the requirements of section 110(a)(2)(L) of the CAA, as described earlier in this action. EPA is therefore removing Env-A 700 in its entirety from the SIP in light of the State's title V operating permit program fee requirements.

D. Approval of New Hampshire's November 17, 2015 SIP Submittal Addressing the 2010 NO_2 NAAQS Infrastructure SIP Requirements Under Section 110(a)(2)(D)(i)(I) of the CAA

EPA is approving NHDES's November 17, 2015 submittal that addresses the infrastructure SIP requirements under Section 110(a)(2)(D)(i)(I) for the 2010 NO_2 NAAQS. The analysis provided in the submittal shows that: (1) NO_2 concentrations in New Hampshire are significantly below the 2010 NO_2 NAAQS; (2) NO_X emissions within New Hampshire continue to decrease over time; and (3) sources of NO_X emissions, or other types of emissions activity, in New Hampshire do not contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to the NO_2 NAAQS.

E. Rationale for Direct Final Rulemaking

EPA is publishing these actions without prior proposal because the Agency views these as noncontroversial amendments and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revisions should relevant adverse comments be filed. This rule will be effective July 24, 2017 without further notice unless the Agency receives relevant adverse comments by June 26, 2017.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. All parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on July 24, 2017 and no further action will be taken on the proposed rule. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

VI. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of New Hampshire's Env-A 618, Env-A 619.03, Env-A 619.07, and Env-A 621 (except for Env-A 621.10) and the removal of Env-A 205 and Env-A 700 described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov,* and/or at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VII. Statutory and Executive Order Reviews

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

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

[1] Specifically, the State's SIP revision submission addressed the public notice requirements discussed earlier in this action.

• Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 24, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: April 19, 2017.

Deborah A. Szaro,

Acting Regional Administrator, EPA New England.

Correction

In final rule FR Doc. 2017–09028, published in the issue of Friday, May 5, 2017 (82 FR 21123), make the following correction:

On page 21123, in the third column, remove amendatory instruction 2.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart EE—New Hampshire

§ 52.1519 [Amended]

■ 2. Section 52.1519 is amended by removing and reserving paragraphs (a)(5) through (11).

■ 3. Section 52.1520 is amended by:

■ a. In the table in paragraph (c):

■ i. Revising the entries for ''Env-A 200'' and ''Env-A 600''; and

■ ii. Removing the entry for ''Env-A 700''; and

■ b. In the table in paragraph (e):

■ i. Revising the entries ''Infrastructure SIP for 2008 ozone NAAQS'', ''Infrastructure SIP for the 2008 Lead NAAQS'', ''Infrastructure SIP for the 2010 NO_2 NAAQS'', ''Infrastructure SIP for the 1997 $PM_{2.5}$ NAAQS'', and ''Infrastructure SIP for 2006 $PM_{2.5}$ NAAQS'';

■ ii. Adding the entry ''Infrastructure SIP for the 2010 SO_2 NAAQS'' after the entry ''Infrastructure SIP for the 2010 NO_2 NAAQS''; and

■ iii. Adding an entry for ''Transport SIP for the 2010 NO_2 Standard'' at the end of the table.

The revisions and additions reads as follows:

§ 52.1520 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED NEW HAMPSHIRE REGULATIONS

State citation	Title/subject	State effective date	EPA approval date [1]	Explanations
*	*	*	*	*
Env-A 200	Permit Notice and Hearing Procedures.		5/25/17 [Insert **Federal Register** citation].	Removal of Env-A 205 from SIP
*	*	*	*	*
*	*	*	*	*
Env-A 600	Statewide Permit System.	10/22/16	5/25/17 [Insert **Federal Register** citation].	Revisions to Env-A 618.01, 618.02(c), Env-A 618.04(b), Env-A 618.04(d), Env-A 619.03(c), 619.07 and Env-A 621(except for 621.10)
*	*	*	*	*

[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) * * *

NEW HAMPSHIRE NONREGULATORY

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date [3]	Explanations
*	*	*	*	*
Infrastructure SIP for 2008 ozone NAAQS.	Statewide	12/31/2012	5/25/2017 [Insert **Federal Register** citation].	Items that were conditionally approved on 12/16/15 are now fully approved.
Infrastructure SIP for the 2008 Lead NAAQS.	Statewide	11/7/2011	5/25/2017 [Insert **Federal Register** citation].	Items that were conditionally approved on 12/16/15 are now fully approved.
Infrastructure SIP for the 2010 NO_2 NAAQS.	Statewide	1/28/2013	5/25/2017 [Insert **Federal Register** citation].	Items that were conditionally approved on 12/16/15 are now fully approved.
Infrastructure SIP for the 2010 SO_2 NAAQS.	Statewide	7/13/2013	5/25/2017 [Insert **Federal Register** citation].	Items that were conditionally approved on 7/8/2016 are now fully approved.
Infrastructure SIP for the 1997 $PM_{2.5}$ NAAQS.	Statewide	7/3/2012	5/25/2017 [Insert **Federal Register** citation].	Items that were conditionally approved on 12/16/15 are now fully approved.
Infrastructure SIP for 2006 $PM_{2.5}$ NAAQS.	Statewide	9/18/2009	5/25/2017 [Insert **Federal Register** citation].	Items that were conditionally approved on 12/16/15 are now fully approved.
*	*	*	*	*
Transport SIP for the 2010 NO_2 Standard.	Statewide	11/17/2015	5/25/2017 [Insert **Federal Register** citation].	

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

[FR Doc. 2017–09536 Filed 5–24–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0112; FRL–9961–54]

Flazasulfuron; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of flazasulfuron in or on olives. ISK Biosciences Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective May 25, 2017. Objections and requests for hearings must be received on or before July 24, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0112, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection

or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0112 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before July 24, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0112, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of April 25, 2016 (81 FR 24044) (FRL–9944–86), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 6F8447) by ISK Biosciences Corporation, 7470 Auburn Road, Suite A, Concord, Ohio 44077. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the herbicide, flazasulfuron (N-[[(4,6-dimethoxy-2-pyrimidinyl)amino]carbonyl]-3-(trifluoromethyl)-2-pyridinesulfonamide), in or on olive at 0.01 parts per million (ppm). That document referenced a summary of the petition prepared by ISK Biosciences Corporation, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for flazasulfuron including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with flazasulfuron follows.

A. Toxicological Profile

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

The risk assessment for flazasulfuron is based on a well-characterized and complete toxicology database. After oral administration to rats, more than 84% of the dose of flazasulfuron was excreted within 72 hours, mostly as parent compound. Urinary elimination accounted for about 80–90% of the dose and fecal elimination for about 10–20%. Females tended to eliminate more in the urine, and slightly more rapidly, than males. Tissue distribution was rapid but incomplete. While levels in tissue were generally low, the tissues with highest concentrations were the blood, liver, and muscle.

The liver was the main target organ of flazasulfuron in most species tested, with effects ranging from non-adverse liver hypertrophy to more severe histopathological findings like inflammatory cell infiltration, hepatocellular necrosis and swelling, and bile duct proliferation. Rats also showed kidney toxicity (nephropathy) after chronic exposure. No adverse effects were observed in most short and intermediate duration (≤90 days) studies; only reduced body weight gain and non-adverse liver effects (increased weight and hepatocellular hypertrophy) were observed in some of the subchronic toxicity studies.

Developmental toxicity was observed in rats and abortions in rabbits; however, findings in rats were not consistent across strains. A small increase in the incidence of intraventricular septal defect was observed in Wistar rats but not in Sprague-Dawley rats. Significant decreases in mean fetal body weight were observed in both rat strains at the limit dose. In these same studies in the rat, the maternal animals showed no adverse effects. A high incidence of abortion and decreased food consumption, but no specific fetal effects, were observed in rabbits. While the developmental studies indicate there is offspring susceptibility in rats, both rat studies provide clear no-observed-adverse-effect levels (NOAELs) for the adverse fetal effects. Furthermore, the points of departure (PODs) used for risk assessment are lower than doses associated with fetal effects; therefore, the assessments are protective of the observed offspring effects.

No increase in tumor incidence was seen in rats or mice. Flazasulfuron is not genotoxic. There was no evidence of neurotoxicity in the database. The acute toxicity data indicate that flazasulfuron has low acute oral, dermal, and inhalation toxicity. It was not found to be a skin irritant, but was a moderate eye irritant. Flazasulfuron was not a dermal sensitizer. Flazasulfuron is classified as ''not likely to be carcinogenic in humans'' based on the lack of carcinogenic effects in the rat and mouse carcinogenicity studies, and lack of a mutagenicity concern.

Specific information on the studies received and the nature of the adverse effects caused by flazasulfuron as well as the NOAEL and the lowest-observed-

adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document titled ''Flazasulfuron. Aggregate Human Health Risk Assessment for the Proposed New Use on Olives'' at page 23 in docket ID number EPA–HQ–OPP–2016–0112.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological POD and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

A summary of the toxicological endpoints for flazasulfuron used for human risk assessment is discussed in Unit II. B. of the final rule published in the **Federal Register** of September 5, 2014 (79 FR 52985) (FRL–9915–32).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to flazasulfuron, EPA considered exposure under the petitioned-for tolerances as well as all existing flazasulfuron tolerances in 40 CFR 180.655. EPA assessed dietary exposures from flazasulfuron in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

Such effects were identified for flazasulfuron. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA) under the Continuing Survey of Food Intake by Individuals (CSFII) and the CDC under the National Health and Nutrition Examination Survey/What We Eat in America (NHANES/WEIA) 2003–2008. The acute dietary exposure analyses incorporate tolerance-level residues of the currently registered and proposed crops combined with 100% crop treated (%CT) to determine the exposure and risk estimates. Residues of flazasulfuron were all <Level of Quantification (LOQ) (<0.01 ppm) in/on olive fruit and olive oil; therefore, processing factors could not be calculated. An acceptable method was used for residue quantitation, and adequate data were submitted to support sample storage intervals and conditions. In the crop field trials, all residues of parent flazasulfuron in olive were nondetectable. Since all residues were <LOQ, residue decline could not be assessed. Acceptable metabolism studies on grapes, sugarcane, and tomatoes are available. Residues of flazasulfuron were not detected in the tomato study and were only detected as a trace or minor component in the grape and sugarcane studies. Therefore, the processing factors were set at 1 in the dietary exposure assessment.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA NHANES/WEIA 2003–2008. The chronic dietary exposure analyses incorporate tolerance-level residues of the currently registered and proposed crops combined with 100%CT to determine the exposure and risk estimates. Processing factors were set at 1 in the dietary exposure assessment.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that flazasulfuron does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for flazasulfuron. Tolerance level residues and/or 100% CT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for flazasulfuron in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of flazasulfuron. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

Based on the Pesticide Root Zone Model Ground Water (PRZM GW) for ground water and the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) for surface water, the estimated drinking water concentrations (EDWCs) of flazasulfuron for acute exposures are estimated to be 26.9 parts per billion (ppb) for surface water and 90.8 ppb for ground water.

For chronic exposures for non-cancer assessments EDWCs are estimated to be 4.67 ppb for surface water and 55.6 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model.

For acute dietary risk assessment, the water concentration value of 90.8 ppb was used to assess the contribution to drinking water.

For chronic dietary risk assessment, the water concentration of value 55.6 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Flazasulfuron is currently registered for use on turf that could result in residential exposures. Residential exposure may occur by the dermal, oral, and inhalation routes of exposures. Flazasulfuron does not pose a dermal hazard; therefore, only inhalation (handler exposure for adults) and oral (post-application incidental oral for children) were assessed. Non-occupational exposures to flazasulfuron are expected to be for short-term durations only. The recommended residential exposure for use in the adult aggregate assessment reflects inhalation exposure from applications to turf via backpack or manually pressurized handwand. The recommended residential exposure for use in the children 1 to <2 years old aggregate assessment reflects hand-to-mouth exposures from post-application exposure to turf treatments. A turf transferable residues (TTR) study is not required for flazasulfuron at this time since there was no dermal hazard

identified and the hand-to-mouth MOE is greater than 1,000 based on default values for the fraction of application rate available for transfer after a turf application. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

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

In 2016, EPA's Office of Pesticide Programs released a guidance document entitled, ''Pesticide Cumulative Risk Assessment: Framework for Screening Analysis'' *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/pesticide-cumulative-risk-assessment-framework.* This document provides guidance on how to screen groups of pesticides for cumulative evaluation using a two-step approach beginning with the evaluation of available toxicological information and if necessary, followed by a risk-based screening approach. This framework supplements the existing guidance documents for establishing common mechanism groups (CMGs) and conducting cumulative risk assessments (CRA). The Agency has utilized this framework for flazasulfuron and determined that although flazasulfuron shares some chemical and/or toxicological characteristics (*e.g.,* chemical structure or apical endpoint) with other pesticides, the toxicological database does not support a testable hypothesis for a common mechanism of action. No further data is required to determine that no common mechanism of toxicity exists for flazasulfuron and other pesticides and no further cumulative evaluation is necessary for flazasulfuron.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* The available data indicate that flazasulfuron produced developmental effects in the rabbit (increased abortions), and reproductive effects in the rat (decreased pup body weight), only at maternally/parentally toxic dose levels, and these developmental/offspring effects were not more severe than maternal/parental effects (increased abortions the rabbit, increased nephropathy and decreased pup body weight in the rat). While developmental effects (increased incidence of interventricular septal defect and reduced fetal weights) were seen in rats in the absence of maternal toxicity, an indication of quantitative and qualitative susceptibility, clear NOAELs and LOAELs have been established for these adverse fetal effects. Furthermore, the PODs used for risk assessment are lower than doses associated with these developmental effects. Therefore, the assessments are protective of the observed offspring effects, and the Agency has no concerns for quantitative or qualitative susceptibility.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for flazasulfuron is complete.

ii. An acute neurotoxicity study was conducted with flazasulfuron at dose levels up to 2,000 mg/kg. Mean motor activity measurements at dose levels of 1,000 and 2,000 mg/kg for males and females were statistically significantly decreased from the respective control groups five hours post-dosing. Animals were less active with more resting time than controls. The effect was reversed by the next scheduled observation (Day 7). Neurohistopathologic evaluation did not demonstrate any test material related neurotoxic lesions following the examination of tissues from the central and peripheral nervous systems of high dose and control animals. The NOAEL was 50 mg/kg. A subchronic neurotoxicity study was conducted with flazasulfuron at up to 732 mg/kg bw/day in the diet for 90 days. No biologically relevant neurotoxic effects were observed at the dose levels tested. The available neurotoxicity battery, therefore, did not raise concern for neurotoxicity. Similarly, the subchronic and chronic data in the database did not show any adverse effects that could be considered as neurotoxicity.

iii. While there is evidence of increased qualitative and quantitative susceptibility in the young based on rat malformations and decreased fetal weight in two rat developmental toxicity studies, the FQPA Safety Factor is reduced to 1X and is protective of the observed offspring susceptibility because there are clear NOAELs for the developmental effects in the two rat studies developmental toxicity studies and the PODs selected for risk assessment are protective of those effects.

iv. There are no residual uncertainties identified in the exposure databases. The exposure databases are complete or are estimated based on data that reasonably account for potential exposures. The acute and chronic dietary food exposure assessment were conservatively based on tolerance-level residues on the currently registered and proposed crops, 100% CT assumptions, and conservative ground water drinking water modeling estimates. The Agency does not believe that the non-dietary residential exposures are underestimated because they are also based on conservative assumptions. All of the exposure estimates are based on conservative assumptions and are not likely to result in underestimated risk.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to flazasulfuron will occupy 3.1% of the aPAD for infants less than one-year old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to flazasulfuron from food and water will utilize 23% of

the cPAD for infants less than one-year old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of flazasulfuron is not expected.

3. *Short- and intermediate-term aggregate risk.* There is potential short-term aggregate exposure to flazasulfuron via the dietary pathway (which is considered background exposure) and the residential pathway (which is considered the primary pathway). Since intermediate-term residential exposures are not likely to occur, intermediate-term aggregate risks were not assessed. Since there is no dermal endpoint, the short-term aggregate exposure assessment for adults includes dietary (food and drinking water) and inhalation handler exposures and results in an aggregate MOE of 1,600. The short-term aggregate exposure assessment for children 1–2 years old includes dietary (food and drinking water) and post-application hand-to-mouth exposure from treated turf and results in an aggregate MOE of 810. Because EPA's level of concern for flazasulfuron is a MOE of 100 or below, these MOEs are not of concern.

4. *Aggregate cancer risk for U.S. population.* A cancer aggregate risk assessment was not conducted because there was no evidence of carcinogenicity to humans based on lack of carcinogenic effects in the rat and mouse carcinogenicity studies.

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

IV. Other Considerations

A. Analytical Enforcement Methodology

An adequate enforcement method is available. The method uses high performance liquid chromatography/tandem mass spectrometry with multiple reaction monitoring (HPLC/MS–MS/MRM). The LOQ is 0.01 ppm.

B. International Residue Limits

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

The Codex has not established a MRL for flazasulfuron.

V. Conclusion

Therefore, tolerances are established for residues of flazasulfuron, herbicide, in or on olive at 0.01 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 26, 2017.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.655, add alphabetically the entry ''Olive'' to the table in paragraph (a) to read as follows:

§ 180.655 Flazasulfuron; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Olive	0.01
* * * * *	

* * * * *

[FR Doc. 2017–10763 Filed 5–24–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0029 FRL–9961–99]

Fenazaquin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of fenazaquin in or on hop, dried cones; nuts, tree, group 14–12; pineapple; and tea, dried. Gowan Company requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective May 25, 2017. Objections and requests for hearings must be received on or before July 24, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0029, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0029 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before July 24, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0029, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerances

In the **Federal Registers** of March 16, 2016 (81 FR 14030) (FRL–9942–86); May 19, 2016 (81 FR 31581) (FRL–9946–02); and August 12, 2016 (81 FR 53379) (FRL–9949–53) EPA issued documents pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of pesticide petitions (PP 6F8442, PP 5F8429, and PP 6E8466) by Gowan Company, P.O. Box 5569, Yuma, AZ 85366–5569. The petitions requested that 40 CFR 180.632 be amended by establishing tolerances for residues of the miticide/insecticide fenazaquin, 4-[2-[4-(1,1-dimethylethyl) phenyl]ethoxy]quinazoline, in or on hops at 30 parts per million (ppm) (PP 6F8442); nuts, tree, group 14–12 at 0.02 ppm (PP 5F8429); pineapple at 0.2 ppm (PP 6E8466); and tea at 9 ppm (PP 6E8466). The petitions also requested that the existing tolerance for almond at 0.2 ppm be removed upon establishment of the above tolerance for nut, tree group 14–12. Those documents referenced summaries of the petitions prepared by Gowan Company, the registrant, which are available in the docket, *http://www.regulations.gov.* Comments were received on the Notices of Filing. EPA's response to these comments is discussed in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including

all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for fenazaquin including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with fenazaquin follows.

A. Toxicological Profile

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

The most consistently observed effects of fenazaquin exposure across species, sexes, and treatment durations were decreases in body weight, food consumption, and food efficiency. These effects were consistent with the commonly observed effects for compounds that disrupt mitochondrial electron transport system. Fenazaquin is a member of this class of chemicals.

Fenazaquin did not produce developmental effects in rats and rabbits with prenatal exposure. It also did not cause reproductive effects, although it produced decreased body weight in the offspring at a dose where maternal body reduction also occurred in the reproduction study. The available data did not demonstrate clear neurotoxicity, immunotoxicity, or genotoxicity. The data in the immunotoxicity study showed an increased incidence of ataxia/hypo-activity with gavage dosing, but the effects were judged to be resulting from general malaise. Fenazaquin is also classified as not likely to be carcinogenic to humans, based on a lack of treatment-related cancer effects in two carcinogenicity studies.

Specific information on the studies received and the nature of the adverse effects caused by fenazaquin as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document, ''Fenazaquin (044501); Human Health Risk Assessment in Support of Proposed Uses on tree nuts, group 14–12, and Hops, Dried Cones'' in pp. 11–17 in docket ID number EPA–HQ–OPP–2016–0029.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

A summary of the toxicological endpoints for fenazaquin used for human risk assessment is discussed in Unit III.B. of the final rule published in the **Federal Register** of May 6, 2015 (80 FR 25953) (FRL–9925–97).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to fenazaquin, EPA considered exposure under the petitioned-for tolerances as well as all existing fenazaquin tolerances in 40 CFR 180.632. EPA assessed dietary exposures from fenazaquin in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

Such effects were identified for fenazaquin. In estimating acute dietary exposure, EPA used the Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM–FCID) Version 3.16. This software uses 2003–2008 food consumption data from the U.S. Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). As to residue levels in food, EPA assumed tolerance level residues, default processing factors, and 100 percent crop treated (PCT) for all proposed and registered uses.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used DEEM–FCID, Version 3.16 software with 2003–2008 food consumption data from the USDA's NHANES/WWEIA. As to residue levels in food, EPA assumed tolerance level residues, default processing factors, and 100 PCT for all proposed and registered uses.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that fenazaquin does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue or PCT information in the dietary assessment for fenazaquin. Tolerance level residues and 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* In drinking water, the residues of concern are fenazaquin (parent) and two metabolites: Metabolite M29 or 2-(4-{2-[(2-hydroxyquinazolin-4-yl)oxy]ethyl}phenyl)-2-methylpropanoic acid and its tautomer 2-methyl-2-(4-{2-[(2-oxo-1,2-dihydroquinazolin-4-yl)oxy]ethyl}phenyl)propanoic acid; and Metabolite 1 or 4-[2-(4-tert-butyl-phenyl)-ethoxy]-quinazolin-2-ol and its tautomer 4-[2-(4-tert-butylphenyl)ethoxy]quinazolin-2(1H)-one. The Agency used screening-level water exposure models in the dietary exposure analysis and risk assessment for fenazaquin in drinking water. These

simulation models take into account data on the physical, chemical, and fate/transport characteristics of fenazaquin. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

Based on the Pesticide in Water Calculator (PWC version 1.52), the estimated drinking water concentrations (EDWCs) of fenazaquin and its metabolites of concern for acute exposures are estimated to be 23.8 parts per billion (ppb) for surface water and 1.112 ppb for ground water, for chronic exposures for non-cancer assessments are estimated to be 3.19 ppb for surface water and 0.891 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 23.8 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 3.19 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Fenazaquin is currently registered for the following uses that could result in residential exposures: Ornamental plants. There is a potential for exposure associated with handler (*i.e.,* mixing, loading and applying), as well as post-application exposure from the use of fenazaquin on ornamental plants. However, for residential exposure associated with handlers, all registered fenazaquin product labels with residential use sites (*e.g.,* ornamental plants) require that handlers wear specific clothing (*e.g.,* long-sleeve shirt/long pants/chemical resistant gloves) and/or use personal protective equipment (PPE). Therefore, the Agency has made the assumption that these products are not for homeowner use, and has not conducted a quantitative residential handler assessment.

With respect to the potential residential post-application exposure from the use of fenazaquin on ornamental plants, since there is (1) no adverse systemic hazard via the dermal route of exposure; (2) inhalation exposures are typically negligible in outdoor settings; and (3) there is no incidental oral exposure expected from fenazaquin use on ornamental plants, a residential post-application assessment is unnecessary. Furthermore, since the extent to which young children engage in activities associated with these areas or utilize these areas for prolonged periods of play is low, significant non-dietary ingestion exposure is not expected.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

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

Unlike other pesticides, for which EPA followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to fenazaquin and any other substances, and fenazaquin does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that fenazaquin has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act Safety Factor (FQPA SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* Susceptibility/sensitivity in the developing animals was evaluated in developmental toxicity studies in rats and rabbits as well as a reproduction and fertility study in rats. The data showed no evidence of increased sensitivity/susceptibility in the developing fetuses or young animals. Clear NOAELs and LOAELs are available for all the parental and offspring effects.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for fenazaquin is complete.

ii. The available data do not provide evidence that fenazaquin is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional uncertainty factors (UFs) to account for neurotoxicity.

iii. There is no evidence that fenazaquin results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

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

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to fenazaquin will occupy 11% of the aPAD for children 1–2 years old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to fenazaquin from food and water will utilize 9.6% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure, when the additional uses for hops, dried cones and nuts, tree, group 14–12 are considered. The chronic exposure will increase to 9.9% of the cPAD for children 1–2 years old, when tea and pineapple are also assessed (See ''Fenazaquin, Acute and Chronic Aggregate Dietary (Food and Drinking Water) Exposure and Risk Assessments to Support Use of the Insecticide (Without Section 3 Registration) on Imported Tea and Imported Pineapple'' in docket ID number EPA–HQ–OPP–2016–0029). Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of fenazaquin is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because there is no dermal endpoint and no potential short-term residential inhalation or incidental oral exposure to fenazaquin, a short-term risk is not expected.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because there is no dermal endpoint and no potential intermediate-term inhalation or oral residential exposure to fenazaquin, an intermediate-term risk is not expected.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, fenazaquin is not expected to pose a cancer risk to humans.

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

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology, high-performance liquid chromatography with positive ion electrospray ionization with tandem mass spectrometric detection (LC–MS/MS), is available to enforce the tolerance expression. However, for tea, residues were analyzed using gas chromatography with mass spectrometry (GC–MS) in selected ion monitoring mode.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

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

The Codex has not established MRLs for fenazaquin in/on hop, dried cones; nuts, tree, group 14–12; pineapple; or tea, dried.

C. Response to Comments

The majority of comments submitted to this docket concerned chemicals or actions not associated with the fenazaquin petitions. One comment was submitted by the Center for Biological Diversity (CBD) in response to the Notice of Filing for PP 6F8442 and PP 5F8429 and was primarily concerned about environmental risks and Agency compliance with any relevant obligations under the Endangered Species Act. This comment is not relevant to the Agency's evaluation of safety of the fenazaquin tolerances; section 408 of the FFDCA focuses on potential harms to human health, not effects on the environment.

The three remaining comments were anonymous public comments submitted in response to the Notice of Filing, which stated, in part, to ''Deny this petition. It is harmful and is a toxic chemical''; ''there is insufficient information on all facets of hazard from this toxic chemical''; and ''We, as Americans, do not need or want any more EPA regulations.'' The Agency recognizes that some individuals believe that pesticides should be banned on agricultural crops; however, these comments provide no supporting information upon which to evaluate the safety of pesticide. The existing legal framework provided by section 408 of the FFDCA states that tolerances may be set when persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety standard imposed by that statute. The Agency has evaluated the available information and determined that these tolerances are safe.

V. Conclusion

Therefore, tolerances are established for residues of fenazaquin, including its metabolites and degradates, in or on hop, dried cones at 30 ppm; nuts, tree, group 14–12 at 0.02 ppm; pineapple at 0.20 ppm; and tea, dried at 9.0 ppm. In addition, the Agency is removing the separate tolerance for almonds as it is unnecessary because almond is a commodity covered by the crop group tolerances for nuts, tree, group 14–12.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory

Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 1, 2017.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.632, amend the table in paragraph (a) as follows:

■ a. Remove the entry for ''Almond''.

■ b. Add alphabetically the entries for ''hop, dried cones''; ''nuts, tree, group 14–12''; ''pineapple''; and ''tea, dried''.

■ c. Add a footnote at the end of the table.

The additions read as follows:

§ 180.632 Fenazaquin; Tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Hop, dried cones	30.0
* * * * *	
Pineapple [1]	0.20
Nuts, Tree, Group 14–12	0.02
Tea, dried [1]	9.0

[1] There are no U.S. registrations as of May 25, 2017 for use on pineapple and tea.

* * * * *

[FR Doc. 2017–10751 Filed 5–24–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0143; FRL–9960–76]

Isopyrazam; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of isopyrazam in or on pepper, bell; tomato; and vegetable, cucurbit, subgroup 9A. Syngenta Crop Protection, LLC, requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective May 25, 2017. Objections and requests for hearings must be received on or before July 24, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0143, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0143 in the subject line on the first page of your submission. All

objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before July 24, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0143, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of August 29, 2016 (81 FR 59165) (FRL–9950–22), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 5E8433) by Syngenta Crop Protection, LLC, 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419. The petition requested that 40 CFR 180.654 be amended by establishing tolerances for residues of the fungicide isopyrazam, in or on cucurbit crop subgroup 9A at 0.3 parts per million (ppm); pepper, bell at 0.6 ppm; and tomato at 0.5 ppm. That document referenced a summary of the petition prepared by Syngenta Crop Protection, LLC, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA is establishing a lower tolerance than was requested for pepper, bell and is revising the commodity terminology for vegetable, cucurbit, subgroup 9A. The reasons for these changes are explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for isopyrazam including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with isopyrazam follows.

A. Toxicological Profile

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

Subchronic and chronic oral toxicity studies in the rat, mouse, rabbit and dog demonstrate that the primary target organ for isopyrazam is the liver (increased organ weight and centrilobular hepatocyte hypertrophy). Liver toxicity is usually accompanied by reductions in bodyweight and food consumption. Isopyrazam did not cause reproductive toxicity. Effects seen in the offspring (decreased bodyweight during lactation and increase liver weight at weaning) in the rat reproduction study occurred at the same doses that cause general toxicity in the parents. Developmental effects described as small eyes and/or microphthalmia were observed in both the Himalayan and New Zealand rabbit strains. However, in the Himalayan strain, the intraocular abnormalities occur in the absence of maternal toxicity while in the New Zealand strain, the ocular abnormalities occurred at doses that were maternally toxic. Developmental effects observed in the rat (increased post-implantation loss, reduced fetal weight, and a non- or incomplete ossification or retardation of ossification) occurred at doses that also produced maternal toxicity (mortality, decreased body weights, body weight gains, and food consumption, increased liver weights and microscopic findings in the liver).

No evidence of specific neurotoxicity was seen in acute and subchronic oral neurotoxicity studies in rats. Clinical signs seen in two subchronic dog studies (side-to-side head wobble, ataxia, reduced stability) are consistent with neurotoxic effects. However, detailed and specific neuropathological analyses were not conducted for the dog studies (*i.e.,* functional observational battery, motor activity, detailed histopathology with special stains). Consequently, there is uncertainty regarding whether the effects seen in the dog studies are in fact signs of neurotoxicity. However, clear no observed adverse effect levels (NOAELs)/lowest adverse effect levels (LOAELs) were established for both subchronic dog studies. The point of departure selected for the acute dietary assessment is based on clinical signs seen on day 2 in one of four males in the subchronic dog study. This study provides the lowest NOAEL in the database (most sensitive endpoint) for a single dose effect. The dose used for the chronic dietary risk assessment is eight times lower than the dose at which clinical effects were seen at four weeks in the second subchronic dog study.

There is no evidence of immunotoxicity based on a 28-day dietary immunotoxicity study in mice. The LOAEL for immunotoxicity was not identified and the NOAEL for immunotoxicity was 1,356 milligrams/kilograms (mg/kg).

Isopyrazam is classified as ''Likely to be Carcinogenic to Humans'' based on increased incidence of uterine endometrial adenocarcinomas and liver hepatocellular adenomas in female rats and increased incidence of thyroid follicular cell adenomas and/or

carcinomas in male rats. Isopyrazam is not carcinogenic in the mouse. There is no evidence of genotoxicity, mutagenicity, or clastogenicity in the *in vivo* and *in vitro* studies. There are no structural relationships with other known carcinogens. A linear low-dose approach (Q_1*) was used to extrapolate experimental animal tumor data for the quantification of human cancer risk.

Isopyrazam is of low acute toxicity by the oral, dermal, and inhalation routes and is not a skin or eye irritant.

Specific information on the studies received and the nature of the adverse effects caused by isopyrazam as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document ''Isopyrazam: Human Health Risk Assessment for the Establishment of Tolerances with No U.S. Registrations in/on Cucurbit Vegetables Crop Subgroup 9A, Bell Pepper and Tomato Imported from Belgium, Greece, Italy, Spain and the United Kingdom'' in docket ID number EPA–HQ–OPP–2016–0143.

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/ safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.* A summary of the toxicological endpoints for isopyrazam used for human risk assessment is discussed in Table 1 of the final rule published in the **Federal Register** of December 27, 2013 (78 FR 78740) (FRL–9903–53).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to isopyrazam, EPA considered exposure under the petitioned-for tolerances as well as all existing isopyrazam tolerances in 40 CFR 180.654. EPA assessed dietary exposures from isopyrazam in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for isopyrazam. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA) 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). As to residue levels in food, maximum residues from field trials conducted at the maximum use rates were used to estimate isopyrazam residues of concern and 100 percent crop treated (PCT) assumptions were used. Dietary Exposure Evaluation Model (DEEM) default processing factors were used for all processed commodities including dried apple (8.0), apple juice/cider (1.3), dried banana/plantain (3.9), peanut butter (1.89), dried tomato (14.3), tomato juice (1.5), tomato paste (5.4), and tomato puree (3.3). In the absence of peanut processing data, the maximum theoretical concentration factor was used for peanut oil (2.8).

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA 2003–2008 NHANES/ WWEIA. As to residue levels in food, EPA used the average residues from field trials conducted at the maximum use rates were used to estimate isopyrazam and the same processing factors and PCT assumptions as in the acute dietary exposure analysis.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that isopyrazam should be classified as ''Likely to be Carcinogenic to Humans'' and a linear approach has been used to quantify cancer risk. In evaluating the cancer risk, EPA used the same residue levels, processing factors and PCT assumptions as in the chronic dietary exposure analysis.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use PCT information in the dietary assessment for isopyrazam. Maximum or average residue levels from field trials conducted at the maximum use rates were assumed for all food commodities.

Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

2. *Dietary exposure from drinking water.* An assessment of residues in drinking water is not needed for isopyrazam because there is no drinking water exposure for isopyrazam uses, which are all non-domestic.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Isopyrazam is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' EPA has not found isopyrazam to share a common mechanism of toxicity with any other substances, and isopyrazam does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that isopyrazam does not have a common mechanism of toxicity with other substances. For information regarding EPA's procedures for cumulating effects from substances found to have a common mechanism of toxicity, see EPA's Web site at *http://www2.epa.gov/*

pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There are no residual uncertainties for pre- and/or postnatal susceptibility even though qualitative susceptibility was observed in the range-finding developmental studies in rabbits. Developmental effects (eye abnormalities) were observed in the absence of maternal toxicity in two range finding developmental toxicity studies in the Himalayan rabbit. However, the eye effects were only observed at relatively high doses (200–400 mg/kg/day) with clear NOAELs/LOAELs established for the developmental effects. Developmental effects observed in the rat (increased post-implantation loss, reduced fetal weight and non-or incomplete ossification or retardation of ossification) occurred only at doses that also produced maternal toxicity (mortality, decreased body weights, body weight gains, and food consumption). There was no evidence of increased susceptibility in a 2-generation reproduction study following pre- or postnatal exposure to isopyrazam. There was also no evidence of neuropathology or abnormalities in the development of the fetal nervous system from the available toxicity studies conducted with isopyrazam. Clear NOAELs/LOAELs were established for the developmental effects observed in rats and rabbits as well as for the offspring effects (increased liver weights) seen in the 2-generation reproduction study and a dose-response relationship for the effects of concern is well characterized. The dose used for the acute dietary risk assessment (30 mg/kg/day), based on effects seen in the subchronic dog study, is protective of the developmental effects seen in rats (44.5 mg/kg/day) and rabbits (200 mg/kg/day). Based on these considerations, there are no residual uncertainties for pre- and/or postnatal susceptibility.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for isopyrazam is complete.

ii. As discussed in Unit III.A, there is no indication that isopyrazam is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional uncertainty factors to account for neurotoxicity.

iii. As discussed in Unit III.D.2, there are no residual uncertainties for pre- and/or post-natal susceptibility.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and maximum or average residue levels from field trials conducted at the maximum use rates. There are no currently registered or proposed occupational or residential uses of isopyrazam in the U.S. and adequate residue data are available. These assessments will not underestimate the exposure and risks posed by isopyrazam.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food to isopyrazam at the 95th percentile will occupy 4.7% of the aPAD for children 1–2 years old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to isopyrazam from food will utilize 5.0% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. There are no residential uses for isopyrazam.

3. *Short- and intermediate-term risk.* Short- and intermediate-term risk is assessed based on short- and intermediate-term residential exposure plus chronic dietary exposure (which includes both food and water and is considered to be a background exposure level). Isopyrazam is not registered in the United States. Because there is no short- or intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD, no further assessment of short- or intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating short- and intermediate-term risk for isopyrazam.

4. *Aggregate cancer risk for U.S. population.* Using the exposure assumptions discussed in this unit for cancer exposure, the cancer dietary risk estimate for the U.S. population is 3×10^{-6}. EPA generally considers cancer risks (expressed as the probability of an increased cancer case) in the range of 1 in 1 million (or 1×10^{-6}) or less to be negligible. The precision that can be assumed for cancer risk estimates is best described by rounding to the nearest integral order of magnitude on the logarithmic scale; for example, risks falling between 3×10^{-7} and 3×10^{-6} are expressed as risks in the range of 10^{-6}. Considering the precision with which cancer hazard can be estimated, the conservativeness of low-dose linear extrapolation, and the rounding procedure described above, cancer risk should generally not be assumed to exceed the benchmark level of concern of the range of 10^{-6} until the calculated risk exceeds approximately 3×10^{-6}. This is particularly the case where some conservatism is maintained in the exposure assessment. For isopyrazam, EPA's exposure assessment assumes average residues of concern from field trials reflecting the maximum use rates, default processing factors, the maximum theoretical concentration for residues in peanut oil, and 100 PCT, which is highly conservative. Accordingly, EPA has concluded the cancer risk from exposure to isopyrazam falls within the range of 10^{-6} and is thus negligible.

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

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (GRM006.01B) is available to enforce

the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov*.

B. International Residue Limits

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

The Codex has not established MRLs for isopyrazam in or on vegetable, cucurbit, subgroup 9A; pepper, bell; and tomato.

C. Revisions to Petitioned-For Tolerances

Based on the residue levels observed in the field trial studies, EPA is establishing a tolerance of 0.50 ppm in or on pepper, bell in lieu of the 0.6 ppm as requested by the petitioner. The tolerance requested for Cucurbit Crop Group 9A is also being established as Vegetable, cucurbit, subgroup 9A, which is the standard commodity description for these commodities. The petitioned-for tolerances for residues of isopyrazam in/on cucurbit crop group 9A (0.3 ppm) and tomato (0.5 ppm) are set at 0.30 ppm and 0.50 ppm, respectively, consistent with the current practices for setting tolerances.

V. Conclusion

Therefore, tolerances are established for residues of isopyrazam, (3-(difluoromethyl)-1-methyl-*N*-[1,2,3,4-tetrahydro-9-(1-methylethyl)-1,4-methano-naphthalen-5-yl]-1*H*-pyrazole-4-carboxamide), determined as the sum of its *syn*-isomer (3-(difluoromethyl)-1-methyl-*N*-[(1RS, 4SR, 9RS)-1,2,3,4-tetrahydro-9-(1-methylethyl)-1,4-methanonaphthalen-5-yl]-1*H*-pyrazole-4-carboxamide) and *anti*-isomer (3-(difluoromethyl)-1-methyl-*N*-[(1RS, 4SR, 9SR)-1,2,3,4-tetrahydro-9-(1-methylethyl)-1,4-methano-naphthalen-5-yl]-1*H*-pyrazole-4-carboxamide), in or on vegetable, cucurbit, subgroup 9A at 0.30 ppm; pepper, bell at 0.50 ppm; and tomato at 0.50 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 25, 2017.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.654, add alphabetically the entries ''Pepper, bell'', ''Tomato'', and ''Vegetable, cucurbit, subgroup 9A'' to the table in paragraph (a), and revise footnote 1 at the end of the table to read as follows:

§ 180.654 Isopyrazam; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Pepper, bell [1]	0.50
Tomato [1]	0.50
Vegetable, cucurbit, subgroup 9A [1]	0.30

[1] There are no U.S. registrations for use of isopyrazam on these commodities.

* * * * *

[FR Doc. 2017–10765 Filed 5–24–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–8481]

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 tables in the amendment.

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 III				
Pennsylvania:				
Fairview, Township of, Erie County	420450	September 10, 1973, Emerg; September 29, 1978, Reg; June 7, 2017, Susp.	June 7, 2017	June 7, 2017.
Girard, Borough of, Erie County	422413	July 18, 1975, Emerg; June 30, 1976, Reg; June 7, 2017, Susp.	.....do *	Do.
Girard, Township of, Erie County	421363	August 20, 1975, Emerg; June 30, 1976, 1976, Reg; June 7, 2017, Susp.	.....do	Do.
Harborcreek, Township of, Erie County	421144	April 9, 1974, Emerg; September 17, 1980, Reg; June 7, 2017, Susp.	.....do	Do.
Lake, City of Borough of, Erie County	422414	September 11, 1975, Emerg; June 30, 1976, Reg; June 7, 2017, Susp.	.....do	Do.
Lawrence Park, Township of, Erie County.	420451	June 1, 1973, Emerg; September 29, 1978, Reg; June 7, 2017, Susp.	.....do	Do.
Millcreek, Township of, Erie County	420452	April 16, 1973, Emerg; April 16, 1979, Reg; June 7, 2017, Susp.	.....do	Do.
North East, Borough of, Erie County	421359	April 29, 1975, Emerg; February 4, 1981, Reg; June 7, 2017, Susp.	.....do	Do.
North East, Township of, Erie County	421368	October 29, 1974, Emerg; May 19, 1981, Reg; June 7, 2017, Susp.	.....do	Do.
Springfield, Township of, Erie County	421369	December 2, 1975, Emerg; December 1, 1982, Reg; June 7, 2017, Susp.	.....do	Do.
Region V				
Illinois: Decatur, City of, Macon County	170429	July 29, 1974, Emerg; August 1, 1979, Reg; June 7, 2017, Susp.	.....do	Do.
Region VI				
Arkansas:				
Amagon, City of, Jackson County	050097	November 7, 1975, Emerg; April 1, 1981, Reg; June 7, 2017, Susp.	.....do	Do.
Grubbs, Town of, Jackson County	050101	April 16, 1975, Emerg; April 1, 1981, Reg; June 7, 2017, Susp.	.....do	Do.
Jackson County, Unincorporated Areas	050096	May 5, 1975, Emerg; August 16, 1982, Reg; June 7, 2017, Susp.	.....do	Do.
Newport, City of, Jackson County	050103	June 20, 1975, Emerg; April 1, 1982, Reg; June 7, 2017, Susp.	.....do	Do.
Swifton, City of, Jackson County	050104	May 1, 1975, Emerg; January 2, 1979, Reg; June 7, 2017, Susp.	.....do	Do.
Tuckerman, City of, Jackson County	050105	May 9, 1975, Emerg; February 4, 1981, Reg; June 7, 2017, Susp.	.....do	Do.
Tupelo, City of, Jackson County	050106	June 4, 1975, Emerg; January 23, 1979, Reg; June 7, 2017, Susp.	.....do	Do.
Texas:				
Fairview, Town, Collin County	481069	January 18, 1977, Emerg; November 1, 1979, Reg; June 7, 2017, Susp.	.....do	Do.
Region VIII				
North Dakota:				
New Rockford, City of, Eddy County	380031	March 11,1997, Emerg; June 1, 1998, Reg; June 7, 2017, Susp.	.....do	Do.
Stutsman County, Unincorporated Areas.	380119	February 23, 2010, Emerg; May 24, 2011, Reg; June 7, 2017, Susp.	.....do	Do.

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

Dated: May 17, 2017.

Michael M. Grimm,

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

[FR Doc. 2017–10697 Filed 5–24–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 170316276–7483–02]

RIN 0648–XF300

Fisheries of the Northeastern United States; Black Sea Bass Fishery; Revised 2017 and Projected 2018 Specifications

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

ACTION: Final rule.

SUMMARY: In this rule, NMFS issues revised final 2017 and projected 2018 specifications, and removes a previously implemented commercial fishery accountability measure for the 2017 black sea bass fishery. These actions are necessary to comply with regulations implementing the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, and to ensure compliance with the Magnuson-Stevens Fishery Conservation and Management Act. The intended effect of this rule is to revise 2017 black sea bass catch limits to afford more opportunity to obtain optimum yield and to inform the public of projected changes to 2018 catch limits.

DATES: Effective May 25, 2017, through January 1, 2018.

ADDRESSES: Copies of the specifications document, including the Environmental Assessment (EA), are available on request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901. The specifications document is also accessible via the Internet at *http://www.greateratlantic.fisheries.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Cynthia Hanson, Fishery Management Specialist, (978) 281–9180.

SUPPLEMENTARY INFORMATION:

Background

Black sea bass are jointly managed by the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission as part of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). Specifications in these fisheries include various catch and landing subdivisions, such as the commercial and recreational sector annual catch limits (ACLs), annual catch targets (ACTs), and sector-specific landing limits (*i.e.,* the commercial fishery quota and recreational harvest limit).

On December 28, 2015, NMFS published a final rule implementing the Council's recommended 2016–2018 specifications for the black sea bass fishery (80 FR 80689). The Council intended to reconsider the specifications set for fishing year 2017 following completion of the next black sea bass benchmark assessment in late 2016/early 2017.

As detailed in the proposed rule (82 FR 17964; April 14, 2017), the peer-reviewed assessment indicates that the black sea bass stock north of Cape Hatteras is not overfished and overfishing is not occurring. The spawning stock biomass in 2015 (the terminal year of the assessment) was estimated to be 2.3 times higher than the target and the fishing mortality rate was 25 percent below the overfishing threshold. Additional information on the assessment and the Council's recommendation are provided in the proposed rule and not repeated here. This final rule implements the Council's recommended black sea bass specifications for the 2017 fishing year and updates projected specifications for 2018. By providing projected specifications for 2018, NMFS hopes to assist fishery participants in planning ahead. This rule also removes the commercial fishery accountability measure (AM) previously implemented to the 2017 fishing year (81 FR 93842; December 22, 2016). Final 2018 specifications will be published in the **Federal Register** before the start of the 2018 fishing year (January 1, 2018) following the Council's review.

NMFS will consider any needed changes to the 2017 recreational management measures (*i.e.,* minimum fish size, per-angler possession limits, and fishing seasons) for black sea bass through a separate action before summer 2017.

Revised 2017 and Projected 2018 Black Sea Bass Specifications

This rule implements the revised 2017 and projected 2018 acceptable biological catch (ABC) and commercial and recreational catch limits (Table 1), as outlined in the proposed rule.

The revised 2017 specifications represent a 53-percent increase from the previously implemented 2017 commercial quota, and a 52-percent increase in the 2017 recreational harvest limit.

TABLE 1—REVISED BLACK SEA BASS SPECIFICATIONS FOR 2017 AND PROJECTED SPECIFICATIONS FOR 2018

	Black sea bass specifications					
	2017 (Current)		2017 (Revised)		2018 (Projected)	
	million lb	mt	million lb	mt	million lb	mt
OFL	n/a	n/a	12.05	5,467	10.29	4,669
ABC	6.67	3,025	10.47	4,750	8.94	4,057
Commercial ACL	3.15	1,428	5.09	2,311	4.35	1,974
Commercial ACT	*3.15	*1,428	5.09	2,311	4.35	1,974
Estimated Commercial Discards	0.44	198	0.97	442	0.83	377
Commercial Quota	*2.71	*1,226	4.12	1,869	3.52	1,596
Recreational ACL	3.52	1,597	5.38	2,439	4.59	2,083
Recreational ACT	3.52	1,597	5.38	2,439	4.59	2,083
Estimated Recreational Discards	0.70	317	1.09	494	0.93	422
Recreational Harvest Limit	2.82	1,280	4.29	1,945	3.66	1,661

*These commercial catch specifications were reduced by the AM implemented in December, 2016. The revised 2017 specifications rescind the AM reductions (see next section for details).

Removal of the 2017 Accountability Measure for the Commercial Fishery

NMFS previously announced an AM applicable to the 2017 black sea bass commercial fishery in December 2016 (81 FR 93842). This AM was an automatic pound-for-pound payback of a 2015 fishing year ACL overage, resulting in a 30-percent quota reduction in 2017. If the new stock assessment had been available to set 2015 specifications, catch limits would have been considerably higher, and the 2015 ACL would not have been exceeded. Consistent with the rationale outlined in the proposed rule, we are not deducting the 2015 overage from these revised 2017 specifications.

Comments and Responses

On April 14, 2017, NMFS published the proposed revisions to the black sea bass specifications. NMFS received two comments on the proposed rule. Both commenters expressed support for the quota increases, noting the benefits for both the black sea bass and lobster industries. No changes to the proposed specifications were made as a result of these comments.

Classification

The Administrator, Greater Atlantic Region, NMFS, determined that these specifications are necessary for the conservation and management of the black sea bass fishery and that they are consistent with the Magnuson-Stevens Act and other applicable laws.

The Acting Assistant Administrator for Fisheries, NOAA, finds good cause to waive the requirement for a 30-day delay in effectiveness period for this rule under 5 U.S.C. 553(d)(1) and (3), because a delay in its effectiveness would be unnecessary and contrary to the public interest. The delay would be unnecessary because this action imposes no new requirements or burdens on the public, therefore, the public need not take any steps to comply with this rule. The delay would be contrary to the public interest because this action provides economic benefits to fishery participants by substantially increasing both commercial and recreational catch limits, without resulting in overfishing. Failure to make this final rule effective immediately will undermine the intent of the rule, which is to promote the optimal utilization and conservation of the black sea bass resource. Furthermore, the revised 2017 specifications remove an accountability measure from the commercial fishery that had further restricted catch, so their timely implementation also relieves an additional constraint upon fishing opportunity. These changes would have been incorporated into the initial 2017 black sea bass specifications published in December 2016 (81 FR 93842), but final data from the peer-reviewed benchmark stock assessment was not released by the Northeast Fisheries Science Center until January 2017, and could not be reviewed by the Council and Commission until February 2017.

Many states adjust their own quota management strategies to avoid overages in the commercial black sea bass fishery each year. If the 30-day delay of effectiveness is not waived, unnecessarily restrictive state measures will remain in effect longer and put commercial vessels at a disadvantage. It is important to implement these changes as quickly as possible to prevent loss of potential catch and economic opportunity.

If this final rule were delayed for 30 days, the fishery would forego some amount of landings and revenues during the delay period. For these reasons, a 30-day delay in effectiveness would be contrary to the public interest as this rule relieves quota-related restrictions. As a result, NMFS is waiving the requirement.

This final rule is exempt from the procedures of E.O. 12866 because this action contains no implementing regulations.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification, and the initial certification remains unchanged. As a result, a final regulatory flexibility analysis is not required and none has been prepared.

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

Dated: May 19, 2017.

Alan D. Risenhoover,

Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2017–10693 Filed 5–24–17; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 100
Thursday, May 25, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 930

[Doc. No. AMS–SC–16–0104; SC16–930–4 PR]

Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington and Wisconsin; Modification of Allocation of Assessments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement a recommendation from the Tart Cherry Industry Administrative Board (Board) to increase the portion of assessments allocated to research and promotion activities from $0.005 to $0.006 per pound of tart cherries and decrease the portion allocated to administrative expenses from $0.0025 to $0.0015 per pound of tart cherries handled under the marketing order (order). The overall assessment rate would remain unchanged at $0.0075 per pound of tart cherries. The Board locally administers the order and is comprised of producers and handlers of tart cherries operating within the area of production, and one public member. Assessments upon tart cherry handlers are used by the Board to fund reasonable and necessary expenses of the program. The fiscal period begins October 1 and ends September 30. The assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by June 26, 2017.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov.* Comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this proposed rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Jennie M. Varela, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 291–8614, or Email: *Jennie.Varela@ams.usda.gov* or *Christian.Nissen@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202)720–8938, or Email: *Richard.Lower@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Agreement and Order No. 930, both as amended (7 CFR part 930), regulating the handling of tart cherries produced in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington and Wisconsin, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 12866, 13771, 13563, and 13175.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, tart cherry handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as proposed herein would be applicable to all assessable tart cherries beginning on October 1, 2016, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This proposed rule would increase the portion of the assessment rate allocated to research and promotion activities from $0.005 to $0.006 per pound of tart cherries and decrease the portion allocated to administrative expenses from $0.0025 to $0.0015 per pound of tart cherries. The overall assessment rate for the 2016–17 and subsequent fiscal periods would remain unchanged at $0.0075 per pound of tart cherries.

The tart cherry marketing order provides authority for the Board, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Board are producers and handlers of tart cherries, and one public member. They are familiar with the Board's needs and with the costs of goods and services in their local areas and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2010–11 and subsequent fiscal periods, the Board recommended, and USDA approved, an assessment rate of $0.0075 per pound of tart cherries that would continue in effect from fiscal

period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Board or other information available to USDA.

The Board met on September 8, 2016, and unanimously recommended 2016–17 expenditures of $2,523,550 and an assessment rate of $0.0075 per pound of tart cherries. In comparison, last year's budgeted expenditures were $1,725,000. The total assessment rate remains unchanged by this proposed action. However, this proposed rule would increase the portion of the assessment rate allocated to research and promotion activities from $0.005 to $0.006 per pound of tart cherries and decrease the portion allocated to administrative expenses from $0.0025 to $0.0015 per pound of tart cherries. This shift in allocation would allow for expanded research and promotion activities to help market this season's above-average crop, while helping to ensure that the funds held in the Board's authorized reserve are consistent with the order's limits on the reserve.

The major expenditures recommended by the Board for the 2016–17 year include $2,045,550 for promotion, $255,000 for personnel, and $106,000 for office expenses. Budgeted expenses for these items in 2015–16 were $1,150,000, $236,000, and $102,000, respectively.

The assessment rate recommended by the Board was derived by considering expected shipments of tart cherries and examining the needs of the industry with regard to research and promotion and the authorized reserve. Tart cherry shipments for the 2016–17 year are estimated at 314.7 million pounds, which should provide $2,360,250 in assessment income. Income derived from handler assessments, interest income, and funds from the Board's authorized reserve would be adequate to cover budgeted expenses. Funds in the reserve (approximately $894,000) would be kept within the maximum permitted by the order of no more than approximately one year's operational expenses as stated in § 930.42.

The proposed assessment rate would continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Board or other available information.

Although this assessment rate would be in effect for an indefinite period, the Board would continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Board meetings are available from the Board or USDA. Board meetings are open to the public, and interested persons may express their views at these meetings. USDA would evaluate Board recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Board's 2016–17 budget and those for subsequent fiscal periods would be reviewed and, as appropriate, approved by USDA.

Executive Orders 12866 and 13771, and Regulatory Flexibility Act

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 600 producers of tart cherries in the regulated area and approximately 40 handlers of tart cherries who are subject to regulation under the order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts of less than $750,000, and small agricultural service firms have been defined as those whose annual receipts are less than $7,500,000 (13 CFR 121.201).

According to the National Agricultural Statistics Service (NASS) and Board data, the average annual grower price for tart cherries during the 2015–16 season was approximately $0.347 per pound. With total utilization at 251.1 million pounds, the total 2015–16 crop value is estimated at $87 million. Dividing the crop value by the estimated number of producers (600) yields an estimated average receipt per producer of $145,000. This is well below the SBA threshold for small producers. In 2015, The Food Institute estimated a free on board (f.o.b.) price of $0.96 per pound for frozen tart cherries, which make up the majority of processed tart cherries. Multiplying the f.o.b price by total utilization of 251.1 million pounds results in an estimated handler-level tart cherry value of $241 million. Dividing this figure by the number of handlers (40) yields an estimated average annual handler receipts of $6 million, which is below the SBA threshold for small agricultural service firms. Assuming a normal distribution, the majority of producers and handlers of tart cherries may be classified as small entities.

This proposal would increase the portion of the assessment rate allocated to research and promotion activities from $0.005 to $0.006 per pound of tart cherries and decrease the portion allocated to administrative expenses from $0.0025 to $0.0015 per pound of tart cherries. The overall assessment rate established for the Board for the 2016–17 and subsequent fiscal periods would remain unchanged at $0.0075 per pound of tart cherries. The quantity of assessable tart cherries for the 2016–17 season is estimated at 314.7 million pounds. Thus, the $0.0075 rate should provide $2,360,250 in assessment income. Income derived from handler assessments, interest income, and funds from the Board's authorized reserve should provide sufficient funds to meet this year's anticipated expenses.

The major expenditures recommended by the Board for the 2016–17 year include $2,045,550 for promotion, $255,000 for personnel, and $106,000 for office expenses. Budgeted expenses for these items in 2015–16 were $1,150,000, $236,000, and $102,000, respectively.

This proposed rule would shift the allocation of the assessment rate to increase the portion allocated for research and promotion, while decreasing the portion allocated for administrative costs. This adjustment would allow for expanded research and promotion activities to help market this season's above-average crop, while helping to ensure that the funds held in the Board's authorized reserve are consistent with the order's limits on the reserve.

Prior to arriving at this budget and assessment rate, the Board considered production history, crop estimates, its

financial statements, and the need to both reduce financial reserves and increase its marketing efforts to increase demand for tart cherries. The Board also considered not taking this action, but determined that 2016–17 expenditures of $2,523,550 were appropriate, and the recommended assessment rate and allocation, along with funds from interest income, block grants, and funds from reserves, would be adequate to cover budgeted expenses.

A review of historical information and preliminary information pertaining to the upcoming crop year indicates that the average grower price for the 2016–17 season could be approximately $0.348 per pound of tart cherries. Therefore, the estimated assessment revenue for the 2016–17 crop year as a percentage of total grower revenue would be approximately 2 percent.

This action would not increase the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the marketing order.

The Board's meetings were widely publicized throughout the tart cherry industry, and all interested persons were invited to attend the meetings and participate in Board deliberations on all issues. Like all Board meetings, the June 23, 2016, and September 8, 2016, meetings were public meetings, and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and informational impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0177, Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin. No changes in those requirements are necessary as a result of this proposed action. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large tart cherry handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this action.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposed rule.

List of Subjects in 7 CFR Part 930

Marketing agreements, Reporting and recordkeeping requirements, tart cherries.

For the reasons set forth in the preamble, 7 CFR part 930 is proposed to be amended as follows:

PART 930—TART CHERRIES GROWN IN THE STATES OF MICHIGAN, NEW YORK, PENNSYLVANIA, OREGON, UTAH, WASHINGTON, AND WISCONSIN

■ 1. The authority citation for 7 CFR part 930 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 930.200 is revised to read as follows:

§ 930.200 Assessment rate.

On and after October 1, 2016, the assessment rate imposed on handlers shall be $0.0075 per pound of tart cherries grown in the production area and utilized in the production of tart cherry products. Included in this rate is $0.006 per pound of tart cherries to cover the cost of the research and promotion program and $0.0015 per pound of tart cherries to cover administrative expenses.

Dated: May 19, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–10677 Filed 5–24–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 996

[Doc. No. AMS–SC–16–0102; SC16–996–3 PR]

Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States; Change to the Quality and Handling Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement a recommendation from the Peanut Standards Board (Board) to revise the minimum quality and handling standards for domestic and imported peanuts marketed in the United States (Standards). The Board advises the Secretary of Agriculture regarding potential changes to the Standards and is comprised of producers and industry representatives. This action would relax the allowance for damaged kernels in farmers stock peanuts when determining segregation. This change would increase the allowance for damaged kernels under Segregation 1 from not more than 2.49 percent to not more than 3.49 percent. The requirements for Segregation 2 would also be adjusted to reflect this change. The Board recommended this change to align the incoming standards with recent changes to the outgoing quality standards and to help increase returns to producers.

DATES: Comments must be received by June 26, 2017.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov.* All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this proposal will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the

comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Steven W. Kauffman, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (863) 324–3775, Fax: (863) 291–8614, or Email: *Steven.Kauffman@ams.usda.gov* or *Christian.Nissen@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Richard.Lower@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This proposed rule is issued pursuant to Public Law 107–171, the Farm Security and Rural Investment Act of 2002 (Act). The Standards regulate the quality and handling of domestic and imported peanuts marketed in the United States.

Executive Orders 12866, 13563 and 13771

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 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This action has been designated as a ''non-significant regulatory action'' under section 3(f) of Executive Order 12866. Accordingly, this rule is not subject to review by the Office of Management and Budget (OMB). Additionally, because this rule does not meet the definition of a significant regulatory action it does not trigger the requirements contained in Executive Order 13771. *See* OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

Executive Order 13175

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

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect and shall not abrogate nor nullify any other statute, whether State or Federal, dealing with the same subjects as this Act; but is intended that all such statutes shall remain in full force and effect except in so far as they are inconsistent herewith or repugnant hereto (7 U.S.C. 587).

There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

The Act requires that USDA take several actions with regard to peanuts marketed in the United States. These include ensuring mandatory inspection on all peanuts marketed in the United States; developing and implementing peanut quality and handling requirements; establishing the Board comprised of producers and industry representatives to advise USDA regarding the quality and handling requirements under the Standards; and modifying those quality and handling requirements when needed. USDA is required by the Act to consult with the Board prior to making any changes to the Standards.

Pursuant to the Act, USDA has consulted with Board members in its review of the changes to the Standards included in this proposed rule. This proposed rule invites comments on a revision to relax the allowance for damaged kernels in farmers stock peanuts when determining segregation. The Board recommended changing the allowance for damaged kernels under Segregation 1 from not more than 2.49 percent to not more than 3.49 percent. The requirements for Segregation 2 would also be adjusted to reflect this change. The Board believes these changes would align the incoming standards with recent revisions to the outgoing quality standards and increase returns to producers. These changes were recommended by the Board at its meeting on September 1, 2016.

The Standards establish minimum incoming and outgoing quality requirements for domestic and imported peanuts marketed in the United States. Section 996.8 defines incoming inspection as the sampling, inspection, and certification of farmers stock peanuts to determine segregation and grade quality. Section 996.13 of the Standards defines three levels of segregation for incoming farmers stock peanuts. Segregation 1 is currently defined as farmers stock peanuts with not more than 2.49 percent damaged kernels nor more than l.00 percent concealed damage caused by rancidity, mold, or decay and which are free from visible Aspergillus flavus. Segregation 2 is currently defined as farmers stock peanuts with more than 2.49 percent damaged kernels or more than l.00 percent concealed damage caused by rancidity, mold, or decay and which are free from visible Aspergillus flavus, and Segregation 3 is defined as farmers stock peanuts with visible Aspergillus flavus. Section 996.30 outlines the incoming quality standards, which specify that all farmers stock peanuts received by handlers shall be inspected and certified as to segregation and moisture content.

Segregation 1 encompasses the majority of incoming farmers stock peanuts. Segregation 2 peanuts have historically constituted roughly one percent of the domestic crop. However, there has been a slight increase for the previous two years to 2.5 percent in 2014 and 3 percent for 2015. The fluctuation in the percentage of Segregation 2 peanuts is likely the result of weather conditions around harvest time.

A group of several entities representing peanut producers wrote a letter to the Board requesting that the Board review the allowance for damaged kernels for farmers stock peanuts. In their letter, the producer groups stated they believe the loan value for Segregation 2 peanuts under the Farm Service Agency's marketing assistance loans program remains low. Even though changes in regulations and technology allow Segregation 2 peanuts to now be cleaned and resold at a higher market rate, there has been little change in the loan value for these peanuts. The letter further stated that should a farmer have their entire crop graded Segregation 2, it could be economically devastating. Therefore, the letter requested an increase in the allowance for damaged kernels for Segregation 1 from 2.49 to 3.49 percent, shifting more peanuts into the category of Segregation 1.

The Board discussed this request at its September 1, 2016, meeting. In its discussion, the Board recognized the large difference between the loan rate for Segregation 1 and for Segregation 2 peanuts. The Board agreed that many Segregation 2 peanut lots can be cleaned-up to meet the outgoing quality standards with minimal cost involved. This allows a significant portion of the Segregation 2 peanuts purchased to be

utilized at a higher value after processing.

There has been significant industry advancement in technology since the 2002 Farm Bill established the Standards. Before 2002, Segregation 2 peanuts had to be sent to a crusher and could not be reworked to meet the outgoing quality standards. In recent years, the improvements in technology have allowed the industry to utilize Segregation 2 peanuts and still meet outgoing quality standards. Further, recent changes to the outgoing quality standards relaxed the allowance for damaged kernels from 2.5 to 3.5 percent for kernels and for cleaned-inshell peanuts (81 FR 50283, published August 31, 2016). This relaxation made additional peanuts available for sale for human consumption. This proposed change would make a corresponding adjustment to the damage requirements for incoming peanuts. The change would relax the allowance for damaged kernels under the definition for Segregation 1 peanuts from 2.49 to 3.49 percent, which would shift a small portion of peanuts from Segregation 2 into the Segregation 1 category.

The effect of this change on the overall quality of peanuts in the industry would be minimal. In considering this issue, the Board reviewed data from the National Center for Peanut Competitiveness. The data indicated that roughly one third of Segregation 2 farmers stock peanuts would be shifted into the Segregation 1 category under the proposed change. Since Segregation 2 historically composes approximately one percent of total farmers stock peanuts, this adjustment would represent a very small shift in overall volume. Therefore, the proposed change would have an insignificant impact on the composition of Segregation 1 peanuts.

As the producer value of farmers stock peanuts is determined in part by the category of segregation, the segregation level determined during the incoming inspection impacts producer returns. If a producer experiences a shift in damage that moves their peanuts from a Segregation 1 to a Segregation 2, it can have a significant financial impact, especially for small producers. This change would benefit the industry by moving more peanuts into the Segregation 1 category. This should increase returns and help lower financial risk to producers by shifting more peanuts into the higher value Segregation 1 category.

This change would also require increasing the Segregation 2 criteria from more than 2.49 percent to more than 3.49 percent damaged kernels. The Board recommended these changes, in part, to align the incoming standards with the recent changes that were made to the outgoing quality standards earlier this year. Further, the Board believes the 3.49 percent allowance for damaged kernels would represent an acceptable level of damage while maintaining quality peanuts.

Consequently, the Board recommended increasing the percent damaged kernel allowance under Segregation 1 from not more than 2.49 percent to not more than 3.49 percent. The Board voted 13–2 in support of the proposed changes. One of the two Board members voting against the changes was concerned that the decision was being made without enough data and was concerned about maintaining the quality of peanuts. Several Board members responded that this change was not a new issue for the industry. Further, this change has been well supported by producer groups prompting this action. These changes are consistent with the Standards and the Act.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts of less than $750,000 and small agricultural service firms, including handlers and importers, are defined as those having annual receipts of less than $7,500,000 (13 CFR 121.201).

There are approximately 7,500 peanut producers, 60 peanut handlers, operating approximately 70 shelling plants, and 25 importers subject to regulation under the peanut program.

An approximation of the number of peanut farms that could be considered small agricultural businesses under the SBA definition can be obtained from the 2012 Agricultural Census, which is the most recent information on the number of farms categorized by size. There were 3,066 peanut farms with annual agricultural sales valued at less than $500,000 in 2012, representing 47 percent of the total number of peanut farms in the U.S. (6,561). According to the National Agricultural Statistics Service (NASS), peanut production for the 2014 and 2015 crop years averaged 5.7 billion pounds. The average value of production for the two-year period was $1.173 billion. The average producer price over the two-year period was $0.21 per pound. Dividing the two-year average production value of $1.173 billion by the approximate number of peanut producers of 7,500 results in an average revenue per producer of approximately $156,000, well below the SBA threshold for small producers.

Dividing the two-year average production value of $1.173 billion by the approximate number of peanut handlers of 60 results in an average revenue per handler of approximately $19,550,000. Using a normal distribution, the majority of handlers may be considered large entities. Further, according to the Foreign Agricultural Service's Global Agricultural Trade System, the average annual value of peanuts imported into the United States for the 2014 and 2015 seasons was approximately $67 million. By dividing the annual average value of imported peanuts by the number of importers, the majority of importers would meet the SBA definition for small agricultural service firms. Consequently, the majority of producers and importers may be classified as small entities, but the majority of handlers may be considered large entities when using a normal distribution.

This proposed rule would relax the allowance for damaged kernels in farmers stock peanuts when determining segregation. This action would change the allowance for damaged kernels under Segregation 1 from not more than 2.49 percent to not more than 3.49 percent. The Board believes this proposed rule would align incoming farmers stock peanuts segregation with the outgoing quality standards and increase returns to producers.

It is not anticipated that this action would impose additional costs on handlers, producers, or importers, regardless of size. Rather, these changes should help improve returns to peanut producers and help lower financial risk.

This proposed rule is expected to benefit the industry. The effects of this rule are not expected to be disproportionately greater or less for small handlers, producers or importers than for larger entities.

The USDA has considered alternatives to these changes. The Act requires USDA to consult with the Board on changes to the Standards. An alternative discussed was to increase the damaged kernel percentage up to 4.49 percent for Segregation 1. However, the

Board believes this alternative would relax the kernel damage too far. Therefore, this alternative was rejected.

USDA has met with the Board, which is representative of the industry, and has included its recommendations in this rule.

The Act specifies in § 1604(c)(2)(A) that the Standards established pursuant to it may be implemented without regard to the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). However, USDA has considered the reporting and recordkeeping burden on handlers and importers under this program. This proposed rule would relax the allowance for damaged kernels in farmers stock peanuts when determining segregation under the Standards. Recordkeeping requirements would remain the same. Accordingly, this rule would not impose any additional reporting or recordkeeping requirements on either small or large handlers or importers.

Section 1601 of the Act also provides that amendments to the Standards may be implemented without extending interested parties an opportunity to comment. However, due to the nature of the proposed changes, interested parties are provided with a 30-day comment period.

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

USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

The Board's meeting was widely publicized throughout the peanut industry and all interested persons were invited to attend and participate in Board deliberations on all issues. Like all Board meetings, the September 1, 2016, meeting was a public meeting and all entities, both large and small, were able to express views on these issues. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposal. Thirty days is deemed appropriate because farmers stock peanuts are already being delivered from the 2016–17 crop. Further, the industry is aware of this proposed action recommended by the Board. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 996

Food grades and standards, Marketing agreements, Peanuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 996 is proposed to be amended as follows:

PART 996—MINIMUM QUALITY AND HANDLING STANDARDS FOR DOMESTIC AND IMPORTED PEANUTS MARKETED IN THE UNITED STATES

■ 1. The authority citation for 7 CFR part 996 continues to read as follows:

Authority: 7 U.S.C. 7958.

■ 2. Section 996.13 is amended by revising paragraphs (b) and (c) to read as follows:

§ 996.13 Peanuts.

* * * * *

(b) *Segregation 1.* ''Segregation 1 peanuts'' means farmers stock peanuts with not more than 3.49 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold, or decay and which are free from visible *Aspergillus flavus.*

(c) *Segregation 2.* ''Segregation 2 peanuts'' means farmers stock peanuts with more than 3.49 percent damaged kernels or more than l.00 percent concealed damage caused by rancidity, mold, or decay and which are free from visible *Aspergillus flavus.*

* * * * *

Dated: May 19, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–10680 Filed 5–24–17; 8:45 am]

BILLING CODE 3410–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2017–0102 and EPA–R01–OAR–2016–0758; FRL–9962–02–Region 1]

Air Plan Approval; NH; Nonattainment New Source Review and Prevention of Significant Deterioration Permit Program Revisions; Public Hearing Revisions for State Permitting Programs; Withdrawal of Permit Fee Program; Infrastructure Provisions for National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve several different State Implementation Plan (SIP) revisions submitted to EPA by the New Hampshire Department of Environmental Services (NHDES). New Hampshire submitted to EPA on October 26, 2016, revisions satisfying the NHDES's earlier commitment to adopt and submit provisions that meet certain requirements of the federal Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) air permit program regulations. This proposed action will convert to full approval EPA's September 25, 2015 conditional approval of New Hampshire's PSD and NNSR permit programs. This action also will approve NHDES's SIP revisions relating to several New Hampshire infrastructure SIPs, which were conditionally approved by EPA on December 16, 2015, and July 8, 2016.

Additionally, EPA is also proposing to approve: a January 31, 2017 SIP revision amending the public notice and hearing procedures for New Hampshire's NNSR, PSD, and minor NSR permit programs; a January 18, 2017 SIP revision withdrawing the State SIP's permit fee system; and a November 17, 2015 SIP revision that addresses the good neighbor provisions of New Hampshire's infrastructure SIP for the 2010 nitrogen oxide (NO_2) national ambient air quality standard (NAAQS). This action is being taken in accordance with the Clean Air Act (CAA).

DATES: Written comments must be received on or before June 26, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2017–0102 and EPA–R01–OAR–2016–0758 at *https://www.regulations.gov,* or via email to *mcdonnell.ida@epa.gov.* For comments submitted at *Regulations.gov*, follow the

online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the ''For Further Information Contact'' section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Ida E. McDonnell, Manager, Air Permits, Toxics, and Indoor Programs Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square, Suite 100, (OEP05–2), Boston, MA 02109–3912, phone number (617) 918–1653, fax number (617) 918–0653, email *McDonnell.Ida@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules Section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

For additional information, see the direct final rule which is located in the Rules Section of this **Federal Register**.

Dated: April 19, 2017.

Deborah A. Szaro,

Acting Regional Administrator, EPA New England.

[FR Doc. 2017–09538 Filed 5–24–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 161220999–7467–01]

RIN 0648–BG52

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Groundfish Fishery; Fishing Year 2017; Recreational Management Measures

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to modify recreational management measures for Gulf of Maine cod and haddock for the 2017 fishing year. This action proposes to prohibit recreational possession of cod, reduce the haddock bag limit, and implement a new closed season for haddock in the fall. The intended effect of this action is to reduce catch of cod and haddock. This action is necessary to ensure fishing year 2017 recreational catch limits are not exceeded.

DATES: Comments must be received by June 9, 2017.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2017–0048, by either of the following methods:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal.

1. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0048*
2. Click the ''Comment Now!'' icon, complete the required fields, and
3. Enter or attach your comments.

—OR—

Mail: Submit written comments to: John K. Bullard, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on the Fishing Year 2017 Groundfish Recreational Measures.''

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Copies of the analyses supporting this rulemaking, including the Framework Adjustment 55 environmental assessment (EA) prepared by the New England Fishery Management Council, a supplemental EA to Framework Adjustment 55 prepared by the Greater Atlantic Regional Fisheries Office and Northeast Fisheries Science Center, and the supplemental information report (SIR) are available from: John K. Bullard, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. The Framework Adjustment 55 EA, supplemental EA, and SIR are also accessible via the Internet at: *http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/multispecies/.*

FOR FURTHER INFORMATION CONTACT: Mark Grant, Sector Policy Analyst, phone: 978–281–9145; email: *Mark.Grant@noaa.gov.*

SUPPLEMENTARY INFORMATION:

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1. Fishing Year 2017 Recreational Management Measures
2. Regulatory Corrections Under Regional Administrator Authority

1. Proposed Recreational Management Measures for Fishing Year 2017

Background

The recreational fishery for Gulf of Maine (GOM) cod and haddock is managed under the Northeast Multispecies Fishery Management Plan (FMP). Under the FMP, specific sub-annual catch limits (sub-ACL) for the recreational fishery are established for each fishing year for GOM cod and haddock. These sub-ACLs are a portion of the overall catch limit for each stock. The multispecies fishery opens on May 1 each year and runs through April 30 of the following calendar year. The FMP also contains recreational accountability

measures to prevent the recreational sub-ACLs from being exceeded, or to correct the cause if an overage of one occurs.

The proactive accountability measure provision in the FMP indicates that the Regional Administrator shall, in consultation with the New England Fishery Management Council, develop recreational management measures for the upcoming fishing year necessary to ensure that the sub-ACL is achieved, but not exceeded. The provisions authorizing this action can be found in § 648.89(f)(3) of the FMP's implementing regulations. This action also proposes additional measures necessary to facilitate enforcement of recreational management measures. These measures and corrections to other regulations also in this action are proposed under the authority of § 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), which states that the Secretary of Commerce may promulgate regulations necessary to ensure that FMPs are implemented in accordance with the Magnuson-Stevens Act.

Recreational catch and effort data are estimated by the Marine Recreational Information Program (MRIP), a comprehensive, multi-faceted survey system administered by NMFS that collects data from recreational anglers and captains. In 2016, the recreational sub-ACL for GOM cod increased 30 percent, and the recreational sub-ACL for GOM haddock increased 149 percent. Accordingly, the recreational measures set for 2016 were more liberal than the 2015 measures to increase recreational fishing opportunities and catch. However, in 2016, cod catch increased more than predicted and the recreational sub-ACL was exceeded by 92 percent. Haddock catch slightly exceeded the sub-ACL (by 15 percent). For 2017, the recreational sub-ACL for GOM haddock increases 25 percent, from 928 mt to 1,160 mt, and the recreational sub-ACL for GOM cod remains unchanged at 157 mt. As specified in Table 1, compared to the 2016 catch, the 2017 sub-ACLs would allow for a 9-percent increase in haddock catch, but would require a 48-percent reduction in cod catch.

TABLE 1—FISHING YEAR 2016 CATCH COMPARED TO FISHING YEAR 2016 AND 2017 SUB-ACLS

GOM stock	2016 Catch (mt)	2016 Sub-ACL (mt)	Catch of 2016 sub-ACL (percent)	2017 Sub-ACL (mt)	Change in 2016 catch to reach 2017 sub-ACL (percent)
Cod	302	157	192	157	−48
Haddock	1,066	928	115	1,160	+9

Analysis of Measures for Fishing Year 2017

A peer-reviewed bioeconomic model, developed by the Northeast Fisheries Science Center, was used to estimate 2017 recreational GOM cod and haddock mortality under various combinations of minimum sizes, possession limits, and closed seasons. Even when incorporating zero possession of GOM cod, the model estimates that the status quo measures for GOM haddock are not expected to constrain the catch of haddock, or the bycatch of cod, to the 2017 catch limits. The model estimates that the status quo haddock measures would result in cod catch of 292 mt and haddock catch of 1,299 mt (see Table 3), which would be 186 percent of the cod sub-ACL and 112 percent of the haddock sub-ACL.

Proposed Measures

Because the recreational measures currently in place for GOM cod and haddock are not expected to constrain fishing year 2017 catch to the sub-ACLs, the proactive accountability measure requires adjustment of the management measures. The proposed measures are slightly more restrictive than the current measures. Recreational possession of GOM cod would be prohibited. The minimum size for GOM haddock would be unchanged, but the bag limit would be reduced from 15 fish to 12 fish, and a fall closed season would be added to the existing spring closure. We are soliciting comment on two different fall closures, as described in more detail below. The proposed fishing year 2017 recreational measures for GOM cod and haddock are specified in Table 2, along with information on fishing year 2016 measures for comparison.

TABLE 2—PROPOSED GOM COD AND HADDOCK RECREATIONAL MANAGEMENT MEASURES FOR FISHING YEAR 2017 AND STATUS QUO (FISHING YEAR 2016) MEASURES

2017 Measures	Haddock			Cod		
	Haddock possession limit (per angler)	Minimum fish size (inches)	Closed season	Cod possession limit (per angler)	Minimum fish size (inches)	Closed season
Council Recommended	12 fish	17	3/1–4/14 9/17–10/31	N/A	N/A	5/1–4/30
Additional NMFS Option	12 fish	17	3/1–4/14 9/1–9/30	N/A	N/A	5/1–4/30
Status Quo	15 fish	17	3/1–4/14	1 fish	24	5/1–7/31 10/1–4/30

Council Recommendations

We consulted with the Council, and its Recreational Advisory Panel (RAP), in January 2017. The RAP met on January 18, 2017, to review catch projections under various scenarios of changed measures for fishing year 2017. The RAP discussed a number of alternatives, and specifically decided against any options that would include closures in May or that would set different measures for private anglers

and for-hire vessels. Ultimately, the RAP recommended the option that prohibited cod possession, and for haddock maintained the 17-inch minimum size, reduced the bag limit from 15 to 12 fish, and added a fall closure from September 17 through October 31 to the existing spring closure. On January 25, 2017, the Council discussed recreational measures for 2017. The Council declined the Groundfish Oversight Committee's suggestion to implement separate measures for the private and for-hire modes at this time in deference to having a larger public process to consider the concept. Ultimately, the Council recommended we implement the RAP's recommended option (see Table 2).

The proposed measures are projected to result in fishing year 2017 recreational GOM cod and haddock catches that do not exceed the sub-ACLs (see Table 3), as explained further below. The analyses supporting this action are available as outlined in the **ADDRESSES** section of this rule's preamble.

TABLE 3—PROJECTED FISHING YEAR 2017 RECREATIONAL COD AND HADDOCK CATCH UNDER PROPOSED MEASURES AND STATUS QUO

2017 Measures	Haddock Possession Limit (per angler)	Minimum Fish Size (inches)	Closed Season	Predicted Haddock Catch (mt)	Probability Haddock Catch Below sub-ACL (percent)	Predicted Cod Catch (mt)	Probability Cod Catch Below sub-ACL (percent)
Council Recommended ...	12 fish	17	3/1–4/14 9/17–10/31	1,160	50	147	78
Additional NMFS Option ..	12 fish	17	3/1–4/14 9/1–9/30	1,137	70	149	78
Status Quo	15 fish	17	3/1–4/14	1,299	0	292	0

The bioeconomic model's predicted probabilities that catch will remain at or below the sub-ACLs are informative. However, we are using preliminary MRIP data that will change when vessel trip report data from the for-hire fleet is incorporated (after June 15). MRIP estimates are highly variable from year to year. This combination of factors makes it difficult for the model to produce consistent predictions and to assess the underlying reasons for the discrepancies between predicted and actual catch. Historically, while the model's predictive power increases each year, the model underestimates recreational catch. Recent measures have generally resulted in catch close to the sub-ACLs; however, a number of overages have still occurred.

NMFS Additional Option

The Magnuson-Stevens Act requires accountability measures to ensure compliance with ACLs. In 2014, the U.S. District Court for the District of Columbia in *Guindon* v. *Pritzker,* 2014 WL 1274076 (D.D.C. Mar. 26, 2014) ruled against the agency's recreational fishery measures in the Gulf of Mexico red snapper fishery because the measures did not include a sufficient buffer, or additional accountability measures, to account for the management uncertainty represented by repeated ACL overages in past years. In light of the bioeconomic model's prediction that the Council's recommended measures have only a 50-percent probability of preventing haddock catch from exceeding the sub-ACL, the model's history of underestimating catch, and multiple overages over the past five years it may be prudent to implement more conservative measures. Therefore, in addition to the Council's recommended haddock measures, we are requesting comment on a set of measures with the same minimum size and bag limit, but a different fall closure (Additional NMFS Option in Table 2). As shown in Table 3, the model predicts shifting from a 6-week fall closure (9/17–10/31), as recommended by the Council, to a 4-week September closure (9/1–9/30), would slightly reduce haddock catch and increase the probability that haddock catch would not exceed the sub-ACL. The key difference is that closing the entirety of September eliminates high catches associated with Labor Day weekend. Thus, a shorter fall closure could be a more conservative approach; however, this closure would be at the expense of a holiday weekend that is popular with private anglers and economically important to a portion of the for-hire fleet.

We are particularly interested in comments on the effects of the different fall closures of the Council's recommended option and NMFS additional option.

2. Regulatory Corrections and Other Measures Under Regional Administrator Authority

In § 648.89(b), we have added an exception to the minimum fish sizes for GOM cod and haddock to allow vessels to transit the GOM Regulated Mesh Area while in possession of cod and haddock caught outside the area, provided those fish meet the minimum sizes specified for fish caught outside the area. Amendment 16 to the FMP included seasonal closures of the GOM recreational fishery for cod and haddock, and also implemented a possession limit exemption to allow vessels to transit the GOM when it was closed while in possession of fish legally caught outside the area. At that time, there was a single minimum size for cod, and a single minimum size for haddock, regardless of where the fish were caught and the transiting provision included in Amendment 16 did not address minimum fish size restrictions.

Subsequently, we have changed the minimum sizes for GOM cod and haddock as part of the proactive accountability measures. We adjust the recreational measures for only GOM cod and haddock because these are the only stocks allocated a recreational sub-ACL. This has created a complicated system in which vessels may transit the GOM Regulated Mesh Area with fish legally caught outside the area in excess of the GOM possession limits, but those vessels must comply with the most restrictive minimum size of the two areas, rather than the minimum size applicable to where the fish were caught. The intent of this change is to simplify the existing transiting exemption by allowing any cod and haddock legally caught outside the GOM to be possessed by vessels transiting the GOM to ensure consistent implementation of the existing transiting provision.

In § 648.89(e), we have revised the text specifying the requirements for the letters of authorization allowing charter and party boats to fish in the GOM closed areas and the Nantucket

Lightship Closed Area to improve readability. In paragraph (e)(3), we have also corrected the name of the NMFS office issuing letters of authorization from the ''Northeast Regional Office'' to the ''Greater Atlantic Regional Fisheries Office.''

In § 648.89(f)(2)(ii), we removed text prohibiting the Regional Administrator from adjusting the possession limit for GOM cod while recreational possession of GOM cod was prohibited by the Northeast Multispecies FMP. In 2016, Framework Adjustment 55 removed this prohibition, but the final rule implementing Framework Adjustment 55 inadvertently failed to remove this text. This change in intended to correct the regulations to accurately reflect the Council's intent in Framework Adjustment 55.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has made a preliminary determination that this proposed rule is consistent with the Northeast Multispecies FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866.

This proposed rule does not contain policies with Federalism or ''takings'' implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

An initial regulatory flexibility analysis (IRFA) was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities, and also determines ways to minimize these impacts. The IRFA includes sections of the preamble (**SUPPLEMENTARY INFORMATION**) and analyses supporting this rulemaking, including the Framework Adjustment 55 EA, the supplemental EA to Framework Adjustment 55, and the supplemental information report. A summary of the analysis follows (see **ADDRESSES**).

Description of the Reasons Why Action by the Agency Is Being Considered

Because the recreational measures currently in place for GOM cod and haddock are not expected to constrain fishing year 2017 catch to the sub-ACLs, this action proposes new measures, as required by the FMP, to ensure that the sub-ACL is achieved, but not exceeded.

Statement of the Objectives of, and Legal Basis for, This Proposed Rule

The accountability measures outlined in the FMP indicate that the Regional Administrator may, in consultation with the Council, modify the recreational management measures for the upcoming fishing year to ensure that the sub-ACL is achieved, but not exceeded. The provisions authorizing this action can be found in § 648.89(f)(3) of the FMP's implementing regulations. The intended effect of this action is to reduce catch of cod and haddock. This action is necessary to ensure fishing year 2017 recreational catch limits are not exceeded.

Additional measures necessary to facilitate enforcement of these accountability measures, consistent with the FMP, are authorized by section 305(d) of the Magnuson-Stevens Act. In § 648.89(b), we have added an exception to the minimum fish sizes for GOM cod and haddock to allow vessels to transit the GOM Regulated Mesh Area while in possession of cod and haddock caught outside the area, provided those fish meet the minimum sizes specified for fish caught outside the area.

In § 648.89(e), we have revised the text specifying the requirements for the letters of authorization allowing charter and party boats to fish in the GOM closed areas and the Nantucket Lightship Closed Area to improve readability.

In § 648.89(f)(2)(ii), we removed text prohibiting the Regional Administrator from adjusting the possession limit for GOM cod while recreational possession of GOM cod was prohibited by the Northeast Multispecies FMP to accurately reflect the Council's intent in Framework Adjustment 55.

Description and Estimate of the Number of Small Entities to Which This Proposed Rule Would Apply

The Small Business Administration (SBA) defines a small commercial finfishing or shellfishing business as a firm with annual receipts (gross revenue) of up to $11.0 million. A small for-hire recreational fishing business is defined as a firm with receipts of up to $7.5 million. Having different size standards for different types of fishing activities creates difficulties in categorizing businesses that participate in multiple fishing related activities. For purposes of this assessment business entities have been classified into the SBA-defined categories based on which activity produced the highest percentage of average annual gross revenues from 2013–2015, the most recent three-year period for which data are available. This classification is now possible because vessel ownership data have been added to Northeast permit database. The ownership data identify all individuals who own fishing vessels. Using this information, vessels can be grouped together according to common owners. The resulting groupings were treated as a fishing business for purposes of this analysis. Revenues summed across all vessels in a group and the activities that generate those revenues form the basis for determining whether the entity is a large or small business.

The proposed regulations include closed seasons in addition to possession limits and size limits. For purposes of this analysis, it is assumed that for-hire businesses are directly affected by all three types of recreational fishing restrictions. According to the FMP, it is unlawful for the owner or operator of a charter or party boat issued a valid multispecies permit, when the boat is carrying passengers for hire, to:

- Possess cod or haddock in excess of the possession limits.
- Fish with gear in violation of the regulations.
- Fail to comply with the applicable restrictions if transiting the GOM Regulated Mesh Area with cod or haddock on board that was caught outside the GOM Regulated Mesh Area.

As the for-hire owner and operator can be prosecuted under the law for violations of the proposed regulations, for-hire business entities are considered directly affected in this analysis. Anglers are not considered ''entities'' under the RFA and thus economic impacts on anglers are not discussed here.

For-hire fishing businesses are required to obtain a Federal charter/party multispecies fishing permit in order to carry passengers to catch GOM cod or haddock. Thus, the affected businesses entities of concern are businesses that hold Federal multispecies for-hire fishing permits. While all business entities that hold for-hire permits could be affected by changes in recreational fishing restrictions, not all business that hold for-hire permits actively participate in a given year. Those who actively participate, *i.e.,* land fish, would be the group of business entities that are impacted by the regulations. Latent fishing power (in the form of unfished permits) has the potential to alter the impacts on a fishery, but it's not possible to predict how many of these latent business entities will or will not participate in this fishery in fishing year 2017. The Northeast Federal landings database (*i.e.,* vessel trip report data) indicates that a total of 645 party/

charter vessels held a multispecies for-hire fishing permit in 2015 (the most recent full year of available data). Of the 645 for-hire permitted vessels, however, only 208 actively participated in the for-hire Atlantic cod and haddock fishery in fishing year 2015 (*i.e.,* reported catch of cod or haddock).

Using vessel ownership information developed from Northeast Federal permit data and Northeast vessel trip report data, it was determined that the 208 actively participating for-hire vessels are owned by 191 unique fishing business entities. The vast majority of the 208 fishing businesses were solely engaged in for-hire fishing, but some also earned revenue from shellfish and/or finfish fishing. The highest percentage of annual gross revenues though for all but 18 of the fishing businesses was from for-hire fishing. In other words, the revenue from for-hire fishing was greater than the revenue from shellfishing and the revenue from finfish fishing for all but 18 of the business entities.

According to the SBA size standards, small for-hire businesses are defined as firms with annual receipts of up to $7.5 million, and small commercial finfishing or shellfishing business as firms with annual receipts (gross revenue) of up to $11.0 million. Average annual gross revenue estimates calculated from the most recent three years (2013–2015) indicate that none of the 191 for-hire business entities had annual receipts of more than $5.2 million from all of their fishing activities (for-hire, shellfish, and finfish). Therefore, all of the affected for-hire business entities are considered ''small'' by the SBA size standards and thus this action will not disproportionately affect small versus large for-hire business entities.

Description of the Projected Reporting, Record-Keeping, and Other Compliance Requirements of This Proposed Rule

There are no proposed reporting, recordkeeping, or other compliance requirements.

Federal Rules Which May Duplicate, Overlap, or Conflict With This Proposed Rule

The proposed action is authorized by the regulations implementing the NE Multispecies FMP. It does not duplicate, overlap, or conflict with other Federal rules.

Description of Significant Alternatives to the Proposed Action Which Accomplish the Stated Objectives of Applicable Statutes and Which Minimize Any Significant Economic Impact on Small Entities

A total of seven combinations of recreational measures were presented to the Recreational Advisory Panel, the Groundfish Oversight Committee, and the Council. This included the status quo and an option (presented to the Panel, Committee, and Council as Option 1) that prohibited cod possession while retaining the current haddock measures that would not have restrained catch to the quotas, and thus, would not have accomplished the objective. The proposed options that would accomplish the objectives were the Council recommended option (presented to the Panel, Committee, and Council as Option 2) and the additional NMFS option (presented to the Panel, Committee, and Council as Option 3), which are discussed in detail in the preamble. The remaining three options (Options 4, 5, and 6 in Table 4) that would accomplish the objective were discussed by all three groups. These remaining options were rejected either because implementation was viewed as confusing to the public (*e.g.,* implementing a May closure shortly after the start of the fishing year on May 1) or in deference to having a larger public process to consider the concept (*i.e.,* separate measures for the private anglers and the for-hire fleet).

TABLE 4—PROJECTED FISHING YEAR 2017 RECREATIONAL COD AND HADDOCK CATCH UNDER ALTERNATIVE MEASURES NOT PROPOSED

2017 measures	Haddock			Cod			Predicted haddock catch (mt)	Probability haddock catch below sub-ACL (percent)	Predicted cod catch (mt)	Probability cod catch below sub-ACL (percent)
	Haddock possession limit	Minimum fish size	Closed season	Cod possession limit	Minimum fish size	Closed season				
Option 4	15	17	3/1–4/14 2 weeks in May.	N/A	N/A	5/1–4/30	1,118	73	153	61
Option 5	10	17	3/1–4/14 2 weeks in May.	N/A	N/A	5/1–4/30	1,149	68	157	51
Option 6 Private	12	17	3/1–4/14 9/17–10/31	N/A	N/A	5/1–4/30	1,159	51	153	55
Option 6 For Hire	10	17	3/1–4/14	N/A	N/A	5/1–4/30				

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: May 19, 2017

Alan D. Risenhoover,

Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.89:

■ a. Revise paragraphs (b)(2) and (c)(1);

■ b. Remove paragraph (c)(2);

■ c. Redesignate paragraphs (c)(3) through (c)(8) as paragraphs (c)(2) through (c)(7), respectively;

■ d. Revise newly redesignated paragraph (c)(7); and

■ e. Revise paragraphs (e) and (f).

The revisions and additions read as follows:

§ 648.89 Recreational and charter/party vessel restrictions.

* * * * *

(b) * * *

(2) *Exceptions*—(i) *Fillet size.* Vessels may possess fillets less than the minimum size specified, if the fillets are taken from legal-sized fish and are not offered or intended for sale, trade or barter.

(ii) *Transiting.* Vessels in possession of cod or haddock caught outside the GOM Regulated Mesh Area specified in

§ 648.80(a)(1) may transit this area with cod and haddock that meet the minimum size specified for fish caught outside the GOM Regulated Mesh Area specified in § 648.80(b)(1), provided all bait and hooks are removed from fishing rods, and any cod and haddock on board has been gutted and stored.

* * * * *

(c) *Possession Restrictions*—(1) *Cod*—(i) *Outside the Gulf of Maine*—(A) *Private recreational vessels.* Each person on a private recreational vessel may possess no more than 10 cod per day in, or harvested from, the EEZ when fishing outside of the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(B) *Charter or party boats.* Each person on a charter or party fishing boat permitted under this part, and not fishing under the NE multispecies DAS program or on a sector trip, may possess unlimited cod in, or harvested from, the EEZ when fishing outside of the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(ii) *Gulf of Maine*—(A) *Private recreational vessels.* When fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1), persons aboard private recreational fishing vessels may not fish for or possess cod, except that each person on a private recreational vessel in possession of cod caught outside the GOM Regulated Mesh Area may transit this area with cod up to the possession limit specified at § 648.80(c)(1)(i)(A), provided all bait and hooks are removed from fishing rods and any cod on board has been gutted and stored.

(B) *Charter or party boats.* When fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1), persons aboard a charter or party fishing boat may not fish for or possess cod, except that each person on a charter or party fishing boat permitted under this part, and not fishing under the NE multispecies DAS program or on a sector trip, in possession of cod caught outside the GOM Regulated Mesh Area specified in § 648.80(a)(1) may transit this area in possession of cod caught outside the GOM Regulated Mesh Area with cod up to the possession limit specified at § 648.80(c)(1)(i)(B), provided all bait and hooks are removed from fishing rods and any cod on board has been gutted and stored.

(iii) For purposes of counting fish, fillets will be converted to whole fish at the place of landing by dividing the number of fillets by two. If fish are filleted into a single (butterfly) fillet, such fillet shall be deemed to be from one whole fish.

(iv) Cod harvested by recreational fishing vessels in or from the EEZ with more than one person aboard may be pooled in one or more containers. Compliance with the possession limit will be determined by dividing the number of fish on board by the number of persons on board. If there is a violation of the possession limit on board a vessel carrying more than one person, the violation shall be deemed to have been committed by the owner or operator of the vessel.

(v) Cod must be stored so as to be readily available for inspection.

* * * * *

(7) *Haddock*—(i) *Outside the Gulf of Maine*—(A) *Private recreational vessels.* Each person on a private recreational vessel may possess unlimited haddock in, or harvested from, the EEZ when fishing outside of the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(B) *Charter or party boats.* Each person on a charter or party fishing boat permitted under this part, and not fishing under the NE multispecies DAS program or on a sector trip, may possess unlimited haddock in, or harvested from, the EEZ when fishing outside of the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(ii) *Gulf of Maine*—(A) *Private recreational vessels.* Each person on a private recreational vessel in possession of haddock caught outside the GOM Regulated Mesh Area specified in § 648.80(a)(1) may transit this area with more than the GOM haddock possession limit specified at paragraph (c)(8)(ii) of this section up to the possession limit specified at paragraph (c)(8)(i) of this section, provided all bait and hooks are removed from fishing rods and any haddock on board has been gutted and stored.

(*1*) *May 1 through September 17.* Each person on a private recreational fishing vessel, fishing from May 1 through September 17, may possess no more than 12 haddock per day in, or harvested from, the EEZ when fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(2) September 18 through October 31. When fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1), persons aboard private recreational fishing vessels may not fish for or possess any haddock from September 18 through October 31.

(3) November through February. Each person on a private recreational fishing vessel, fishing from November 1 through February 28 (February 29 in leap years), may possess no more than 12 haddock per day in, or harvested from, the EEZ when fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(*4*) *March 1 through April 14.* When fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1), persons aboard private recreational fishing vessels may not fish for or possess any haddock from March 1 through April 14.

(*5*) *April 15 through April 30.* Each person on a private recreational fishing vessel, fishing from April 15 through April 30, may possess no more than 12 haddock per day in, or harvested from, the EEZ when fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(B) *Charter or party boats.* Each person on a charter or party fishing boat permitted under this part, and not fishing under the NE multispecies DAS program or on a sector trip, in possession of haddock caught outside the GOM Regulated Mesh Area specified in § 648.80(a)(1) may transit this area with more than the GOM haddock possession limit specified at paragraph (c)(8)(ii) of this section up to the possession limit specified at paragraph (c)(8)(i) of this section, provided all bait and hooks are removed from fishing rods and any haddock on board has been gutted and stored.

(*1*) *May 1 through September 17.* Each person on a charter or party fishing boat permitted under this part, and not fishing under the NE multispecies DAS program or on a sector trip, fishing from May 1 through September 17, may possess no more than 12 haddock per day in, or harvested from, the EEZ when fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(2) September 18 through October 31. When fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1), persons on a charter or party fishing boat permitted under this part, and not fishing under the NE multispecies DAS program or on a sector trip, may not fish for or possess any haddock from September 18 through October 31.

(3) November through February. Each person on a charter or party fishing boat permitted under this part, and not fishing under the NE multispecies DAS program or on a sector trip, fishing from November 1 through February 28 (February 29 in leap years), may possess no more than 12 haddock per day in, or harvested from, the EEZ when fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(*4*) *March 1 through April 14.* When fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1), persons aboard a charter or party fishing boat permitted under this part, and not fishing under the NE multispecies DAS program or on a sector trip, may not fish for or possess any haddock from March 1 through April 14.

(5) *April 15 through April 30.* Each person on a charter or party fishing boat permitted under this part, and not fishing under the NE multispecies DAS program or on a sector trip, fishing from April 15 through April 30, may possess no more than 12 haddock per day in, or harvested from, the EEZ when fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(iii) For purposes of counting fish, fillets will be converted to whole fish at the place of landing by dividing the number of fillets by two. If fish are filleted into a single (butterfly) fillet, such fillet shall be deemed to be from one whole fish.

(iv) Haddock harvested in or from the EEZ by private recreational fishing boats or charter or party boats with more than one person aboard may be pooled in one or more containers. Compliance with the possession limit will be determined by dividing the number of fish on board by the number of persons on board. If there is a violation of the possession limit on board a vessel carrying more than one person, the violation shall be deemed to have been committed by the owner or operator of the vessel.

(v) Haddock must be stored so as to be readily available for inspection.

* * * * *

(e) *Charter/party vessel restrictions on fishing in GOM closed areas and the Nantucket Lightship Closed Area*—(1) *GOM Closed Areas.* (i) A vessel fishing under charter/party regulations may not fish in the GOM closed areas specified in § 648.81(d)(1), (e)(1), and (f)(4) during the time periods specified in those paragraphs, unless the vessel has on board a valid letter of authorization issued by the Regional Administrator pursuant to § 648.81(f)(5)(v) and paragraph (e)(3) of this section. If the vessel fishes or intends to fish in the GOM cod protection closures, the conditions and restrictions of the letter of authorization must be complied with for a minimum of 3 months. If the vessel fishes or intends to fish in the year-round GOM closure areas, the conditions and restrictions of the letter of authorization must be complied with for the rest of the fishing year, beginning with the start of the participation period of the letter of authorization.

(ii) A vessel fishing under charter/party regulations may not fish in the GOM Cod Spawning Protection Area specified at § 648.81(n)(1) during the time period specified in that paragraph, unless the vessel complies with the requirements specified at § 648.81(n)(2)(iii).

(2) *Nantucket Lightship Closed Area.* A vessel fishing under charter/party regulations may not fish in the Nantucket Lightship Closed Area specified in § 648.81(c)(1) unless the vessel has on board a letter of authorization issued by the Regional Administrator pursuant to § 648.81(c)(2)(iii) and paragraph (e)(3) of this section.

(3) *Letters of authorization.* To obtain either of the letters of authorization specified in paragraphs (e)(1) and (2) of this section, a vessel owner must request a letter from the NMFS Greater Atlantic Regional Fisheries Office, either in writing or by phone (see Table 1 to 50 CFR 600.502). As a condition of these letters of authorization, the vessel owner must agree to the following:

(i) The letter of authorization must be carried on board the vessel during the period of participation;

(ii) Fish species managed by the NEFMC or MAFMC that are harvested or possessed by the vessel, are not sold or intended for trade, barter or sale, regardless of where the fish are caught;

(iii) The vessel has no gear other than rod and reel or handline gear on board; and

(iv) For the GOM charter/party closed area exemption only, the vessel may not fish on a sector trip, under a NE multispecies DAS, or under the provisions of the NE multispecies Small Vessel Category or Handgear A or Handgear B permit categories, as specified at § 648.82, during the period of participation.

(f) *Recreational fishery AM*—(1) *Catch evaluation.* As soon as recreational catch data are available for the entire previous fishing year, the Regional Administrator will evaluate whether recreational catches exceed any of the sub-ACLs specified for the recreational fishery pursuant to § 648.90(a)(4). When evaluating recreational catch, the components of recreational catch that are used shall be the same as those used in the most recent assessment for that particular stock. To determine if any sub-ACL specified for the recreational fishery was exceeded, the Regional Administrator shall compare the 3-year average of recreational catch to the 3-year average of the recreational sub-ACL for each stock.

(2) *Reactive AM adjustment.* If it is determined that any recreational sub-ACL was exceeded, as specified in paragraph (f)(1) of this section, the Regional Administrator, after consultation with the NEFMC, shall develop measures necessary to prevent the recreational fishery from exceeding the appropriate sub-ACL in future years. Appropriate AMs for the recreational fishery, including adjustments to fishing season, minimum fish size, or possession limits, may be implemented in a manner consistent with the Administrative Procedure Act, with final measures published in the **Federal Register** no later than January when possible. Separate AMs shall be developed for the private and charter/party components of the recreational fishery.

(3) *Proactive AM adjustment.* When necessary, the Regional Administrator, after consultation with the New England Fishery Management Council, may adjust recreational measures to ensure the recreational fishery achieves, but does not exceed any recreational fishery sub-ACL in a future fishing year. Appropriate AMs for the recreational fishery, including adjustments to fishing season, minimum fish size, or possession limits, may be implemented in a manner consistent with the Administrative Procedure Act, with final measures published in the **Federal Register** prior to the start of the fishing year where possible. In specifying these AMs, the Regional Administrator shall take into account the non-binding prioritization of possible measures recommended by the Council: For cod, first increases to minimum fish sizes, then adjustments to seasons, followed by changes to bag limits; and for haddock, first increases to minimum size limits, then changes to bag limits, and then adjustments to seasons.

[FR Doc. 2017–10703 Filed 5–24–17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 170330338–7470–01]

RIN 0648–XF335

Pacific Island Fisheries; 2017–18 Annual Catch Limit and Accountability Measures; Main Hawaiian Islands Deep 7 Bottomfish

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

ACTION: Proposed specifications; request for comments.

SUMMARY: NMFS proposes to specify an annual catch limit (ACL) of 306,000 lb for Deep 7 bottomfish in the main Hawaiian Islands (MHI) for the 2017–18 fishing year, which will begin on September 1, 2017, and end on August 31, 2018. If NMFS projects that the

fishery will reach the ACL, NMFS would close the commercial and non-commercial fisheries for MHI Deep 7 bottomfish for the remainder of the fishing year as an accountability measure (AM). The proposed ACL and AM support the long-term sustainability of Hawaii bottomfish.

DATES: NMFS must receive comments by June 9, 2017.

ADDRESSES: You may submit comments on the proposed 2017–18 ACL, identified by NOAA–NMFS–2017–0033, by either of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0033,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Send written comments to Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd. Bldg. 176, Honolulu, HI 96818.

Instructions: NMFS may not consider comments sent by any other method, to any other address or individual, or received after the end of the comment period. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

NMFS prepared an environmental analysis that describes the potential impacts on the human environment that could result from the proposed specification. The environmental analysis and other supporting documents are available at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Sarah Ellgen, NMFS PIR Sustainable Fisheries, 808–725–5173.

SUPPLEMENTARY INFORMATION: NMFS and the Western Pacific Fishery Management Council (Council) manage the bottomfish fishery in Federal waters around Hawaii under the Fishery Ecosystem Plan for the Hawaiian Archipelago (FEP), as authorized by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Deep 7 bottomfish are onaga (*Etelis coruscans*), ehu (*E. carbunculus*), gindai (*Pristipomoides zonatus*), kalekale (*P. sieboldii*), opakapaka (*P. filamentosus*), lehi (*Aphareus rutilans*), and hapuupuu (*Hyporthodus quernus*). The regulations at Title 50, Code of Federal Regulations, part 665 (50 CFR 665.4) requires NMFS to specify an ACL for MHI Deep 7 bottomfish each fishing year, based on a recommendation from the Council.

NMFS proposes to specify an ACL of 306,000 lb of Deep 7 bottomfish in the MHI for the 2017–18 fishing year. The Council recommended the proposed ACL, based on a 2011 bottomfish stock assessment updated in 2015 with three additional years of data, and taking into consideration the risk of overfishing, past fishery performance, the acceptable biological catch recommendation from its Scientific and Statistical Committee, and input from the public. This update to the 2011 NMFS bottomfish stock assessment estimated the overfishing limit for the MHI Deep 7 bottomfish stock complex to be 352,000 lb, which is 31,000 lb less than the estimated overfishing limit in the 2011 stock assessment. Based on this update, the Council recommended a three-year phased reduction of the ACL. NMFS prepared an environmental assessment, dated March 17, 2016 (available at *www.regulations.gov*), of the Council's three-year phased reduction of the ACL (entitled ''Specification of Annual Catch Limits and Accountability Measures for Main Hawaiian Islands Deep 7 Bottomfish Fisheries in Fishing Years 2015–16, 2016–17, and 2017–18''). The proposed ACL of 306,000 lb for 2017–18 is the third annual reduction in this phased approach, and is 12,000 lb less than the ACL that NMFS specified last year (82 FR 5429, January 18, 2017).

The ACL is associated with a 39-percent probability of overfishing, and is more conservative than the 50-percent risk threshold allowed under NMFS guidelines for National Standard 1 of the Magnuson-Stevens Act. NMFS monitors Deep 7 bottomfish catches based on data provided by commercial fishermen to the State of Hawaii. If NMFS projects the fishery will reach this limit, NMFS would close the commercial and non-commercial fisheries for MHI Deep 7 bottomfish for the remainder of the fishing year, as an accountability measure (AM). As an additional AM, in the event that NMFS and the Council determine that the final 2017–18 Deep 7 bottomfish catch exceeds the ACL, NMFS would reduce the Deep 7 bottomfish ACL for the 2018–19 fishing year by the amount of the overage.

The fishery has not caught the specified limit in any year since 2011. NMFS does not expect the proposed ACL and AM specifications for 2017–18 to result in a change in fishing operations, or other changes to the conduct of the fishery that would result in significant environmental impacts. After considering public comments on the proposed ACL and AMs, NMFS will publish the final specifications.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator for Fisheries has determined that this proposed specification is consistent with the Hawaii FEP, other provisions of the Magnuson-Stevens Act, and other applicable laws, subject to further consideration after public comment.

This action is exempt from review under Executive Order 12866.

Certification of Finding of No Significant Impact on Substantial Number of Small Entities

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that these proposed specifications, if adopted, would not have a significant economic impact on a substantial number of small entities. A description of the action, why it is being considered, and the legal basis for it are contained in the preamble to these proposed specifications.

NMFS proposes to specify an ACL of 306,000 lb for MHI Deep 7 bottomfish, as recommended by the Council, for the 2017–18 fishing year, which will begin on September 1, 2017, and end on August 31, 2018. NMFS monitors MHI Deep 7 bottomfish catches based on data provided by commercial fishermen to the State of Hawaii. If NMFS projects that the fishery will reach this limit, NMFS would close the commercial and non-commercial fisheries for MHI Deep 7 bottomfish for the remainder of the fishing year as an AM. The proposed ACL is 12,000 lb less than the ACL that NMFS implemented for the 2016–17 fishing year, 20,000 lb less than the ACL that NMFS implemented for the 2015–16 fishing year, and 40,000 lb less than the ACL that NMFS implemented in each of the four fishing years, 2011–12, 2012–13, 2013–14, and 2014–15. The AM would remain the same. Over the past five fishing seasons, the highest reported annual landings, 309,485 lb, occurred during the 2013–14 fishing year. NMFS does not expect that the fishery would reach the limit during the 2017–18 fishing year. Additionally, the proposed AM would allow NMFS to close the fishery to prevent the fishery from exceeding the proposed ACL. NMFS is preparing a new stock

assessment that would account for fishery performance in previous years, which NMFS and the Council would consider in recommending an ACL for fishing year 2018–2019.

This rule would affect commercial and non-commercial fishermen who catch MHI Deep 7 bottomfish. Specifically, during the 2015–16 fishing year, 368 fishermen reported landing 259,530 lb of MHI Deep 7 bottomfish. With regard to the 2016–17 fishing year, which is currently underway, as of March 28, 2017, 302 fishermen have caught 180,951 lb of Deep 7 bottomfish, which represents 57% of the 2016–17 ACL for Deep 7 bottomfish. For Regulatory Flexibility Act purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million or all its affiliated operations worldwide.

Based on available information, NMFS has determined that all affected entities—vessels in the commercial and non-commercial fisheries for MHI Deep 7 bottomfish—are small entities under the NMFS standard, as they are engaged in the business of fish harvesting, independently owned or operated, not dominant in their field of operation, and have annual gross receipts not in excess of $11 million. Therefore, there would be no disproportionate economic impacts between large and small entities. Furthermore, there would be no disproportionate economic impacts among the universe of vessels based on gear, home port, or vessel length.

As for revenues earned by fishermen from MHI Deep 7 bottomfish, State of Hawaii records report that 328 of the 368 fishermen sold their MHI Deep 7 bottomfish catch during the 2015–16 fishing year. These 328 individuals sold a combined total of 240,183 lb (92.5 percent of reported catch) at a value of $1,716,313. Based on these revenues, the average price for MHI Deep 7 bottomfish in 2015–16 was approximately $7.15/lb. NMFS assumed that either the remaining 40 commercial fishermen sold no Deep 7 bottomfish, or the State of Hawaii reporting program did not capture their sales. With regard to the 2016–17 fishing year currently underway, as of March 28, 2016, revenues from sales of Deep 7 bottomfish totaled $1,138,531 from 147,274 lb sold, yielding an average price of $7.73 per lb.

Assuming the fishery attains the ACL of 306,000 in 2017–18, and using the 2015–16 average price of $7.15/lb, NMFS expects the potential fleet wide revenue during 2017–18 to be $2,187,900 (or approximately $2,023,808 under the assumption that 92.5 percent of catch is sold). If Deep 7 bottomfish catch reached the ACL during the 2017–18 fishing year and all catch were to be sold by the same number of fishermen with sales during 2015–16, each of these 328 commercial fishermen could potentially earn on average $6,671 from the sale of 933 lb of Deep 7 bottomfish. If the fishery reaches the ACL, with 92.5 percent of all Deep 7 bottomfish catch to be sold, then these 328 commercial fishermen would sell an average of 863 lb of Deep 7 bottomfish valued at about $6,171, which is well below the $11 million threshold.

In general, the relative importance of MHI bottomfish to commercial participants as a percentage of overall fishing or household income is unknown, as the total suite of fishing and other income-generating activities by individual operations across the year has not been examined.

Even though this proposed specification would apply to a substantial number of vessels, *i.e.,* 100 percent of the bottomfish fleet, as NMFS does not expect this rule to have a significantly adverse economic impact on individual vessels. Landings information from the past five fishing years suggest that Deep 7 bottomfish landings are not likely to exceed the ACL proposed for 2017–18. Therefore, pursuant to the Regulatory Flexibility Act, this proposed action would not have a significant economic impact on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required, and none has been prepared.

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

Dated: May 19, 2017.

Alan D. Risenhoover,

Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2017–10704 Filed 5–24–17; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 82, No. 100
Thursday, May 25, 2017

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. Number AMS–FV–10–0047, FV–16–330]

United States Standards for Grades of Cauliflower

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) is revising the United States Standards for Grades of Cauliflower. The revision amends the color requirement to allow all colors of cauliflower to be certified to a U.S. grade. In addition, AMS is amending the size requirement to allow curds less than 4 inches in diameter to be certified to a grade, adding marking requirements for curd sizes less than 4 inches in diameter, and removing references to an unclassified category of cauliflower.

DATES: Effective June 26, 2017.

ADDRESSES: Standardization Branch, Specialty Crops Inspection Division, Specialty Crops Program, Agricultural Marketing Service, U.S. Department of Agriculture, National Training and Development Center, Riverside Business Park, 100 Riverside Parkway, Suite 101, Fredericksburg, VA 22406.

FOR FURTHER INFORMATION CONTACT: Contact Dave Horner at the address above, or at phone (540) 361–1128; fax (540) 361–1199; or, email *Dave.Horner@ams.usda.gov.* The current U.S. Standards for Grades of Cauliflower are available on the Specialty Crops Inspection Division Web site at *http://www.ams.usda.gov/grades-standards/cauliflower-grades-and-standards.*

SUPPLEMENTARY INFORMATION: Section 203(c) (7 U.S.C. 1622(c)) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), as amended, directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.'' AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The United States Standards for Grades of Fruits and Vegetables not connected with Federal marketing orders or U.S. import requirements no longer appear in the Code of Federal Regulations, but are maintained by USDA, AMS, Specialty Crops Program, and are available on the Internet at *http://www.ams.usda.gov/grades-standards.*

AMS is revising the voluntary United States Standards for Grades of Cauliflower using the procedures that appear in Part 36, Title 7 of the Code of Federal Regulations (7 CFR part 36). The cauliflower grade standards in §§ 51.540 to 51.556 were last revised March 15, 1968.

Background and Comments

On February 9, 2012, AMS published a notice in the **Federal Register** (77 FR 6772) soliciting comments on proposed revisions to the United States Standards for Grades of Cauliflower. The industry expressed some confusion about the meaning of some of the proposed revisions and requested clarification. Following the comment period, AMS determined it would not proceed with the revisions as proposed.

On May 9, 2016, AMS addressed the industry concerns and clarified the issues from the previous notice by publishing in the **Federal Register** (81 FR 28046) a second notice soliciting comments on proposed revisions to the United States Standards for Grades of Cauliflower. No comments were received on this second proposal.

Based on the information gathered from the industry, AMS is revising the U.S. No. 1 cauliflower color standards by adding the phrase ''unless otherwise specified'' to the basic requirement for color in § 51.540(a)(3). The phrase ''unless otherwise specified'' in regards to color will be interpreted as follows: When colors other than white, creamy white, or cream color are specified, cauliflower heads of those colors may be certified to a grade. Likewise, when designated as a mixed-color pack, one grade may be applied to all the cauliflower colors in the pack, not just to the curds that are white, creamy white, or cream color. For example, a grade may be applied to a pack containing a green, an orange, a purple, and a white cauliflower curd when specified as a mixed-color pack.

AMS is also revising the U.S. No. 1 size provisions in § 51.540(a)(4) for cauliflower heads to read as follows: ''Size—not less than 4 inches in diameter, unless marked to a maximum diameter of less than 4 inches. Cauliflower curds marked less than four inches may not be comingled with cauliflower curds packed to be 4 inches and larger. For marking requirements see § 51.556.''

To explain the marking requirements, AMS is adding ''§ 51.556 Marking Requirements,'' which reads as follows: ''When the product is packed to be less than 4 inches in maximum diameter, 90 percent or more of the master containers shall be plainly stamped, printed, labeled, or otherwise marked with the maximum diameter. The term 'maximum' or its recognized abbreviation, when following a diameter size marking, means that the curds are of the size marked or smaller.'' The current § 51.556, Metric Conversion Table, is redesignated as § 51.557.

Furthermore, curds that are specified to be less than 4 inches in maximum diameter do not include cauliflower florets, since florets are pieces of curd and not considered small heads of cauliflower. Therefore, florets cannot be certified to a grade.

Revisions to the cauliflower color and size requirements also apply to the U.S. Commercial grade. The U.S. Commercial grade consists of heads of cauliflower which meet the requirements of U.S. No. 1 grade except for increased defect tolerances.

In addition, AMS is removing the ''Unclassified'' cauliflower category from the standards. The unclassified section is being removed from all standards as they are otherwise revised. This category is not a grade and only serves to show that no grade has been applied to the lot. It is no longer considered necessary.

AMS believes that permitting all colors, mixed-color packs, and smaller sizes of cauliflower to be certified to a grade reflects current marketing practices and consumer demand, and

will facilitate the marketing of cauliflower by providing the industry with more flexibility.

The official grade of a lot of cauliflower covered by these standards will be determined by the procedures set forth in the Regulations Governing Inspection, Certification, and Standards of Fresh Fruits, Vegetables and Other Products (7 CFR 51.1, 7 CFR 51.61).

The United States Standards for Grades of Cauliflower will be effective 30 days after publication of this notice in the **Federal Register**.

Authority: 7 U.S.C. 1621–1627.

Dated: May 19, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–10674 Filed 5–24–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–433–812, A–423–812, A–427–828, A–428–844, A–475–834, A–588–875, A–580–887, A–583–858]

Certain Carbon and Alloy Steel Cut-To-Length Plate From Austria, Belgium, France, the Federal Republic of Germany, Italy, Japan, the Republic of Korea, and Taiwan: Amended Final Affirmative Antidumping Determinations for France, the Federal Republic of Germany, the Republic of Korea and Taiwan, and Antidumping Duty Orders

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

SUMMARY: Based on affirmative final determinations by the Department of Commerce (the Department) and the International Trade Commission (the ITC), the Department is issuing antidumping duty orders on certain carbon and alloy steel cut-to-length plate (CTL plate) from Austria, Belgium, France, the Federal Republic of Germany (Germany), Italy, Japan, the Republic of Korea (Korea), and Taiwan. In addition, the Department is amending its final affirmative determinations with respect to France, Germany, Korea, and Taiwan.

DATES: May 25, 2017.

FOR FURTHER INFORMATION CONTACT: Edythe Artman at (202) 482–3931 (Austria), Andrew Medley (202) 482–6345 (Belgium), Terre Keaton Stefanova at (202) 482–1280 (France), David Goldberger at (202) 482–4136 (Germany), Alice Maldonado at (202) 482–4682 (Italy), Kabir Archuletta at (202) 482–2593 (Japan), Michael J. Heaney at (202) 482–4475 (Korea), or Tyler Weinhold (Taiwan) at (202) 482–1121, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on April 4, 2017, the Department published its affirmative final determinations in the less-than-fair-value (LTFV) investigations of CTL plate from Austria, Belgium, France, Germany, Italy, Japan, Korea, and Taiwan.[1] On May 18, 2017, the ITC notified the Department of its affirmative determination, pursuant to section 735(d) of the Act, that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act, by reason of the LTFV imports of CTL plate from Austria, Belgium, France, Germany, Italy, Japan, Korea, and Taiwan, and its determination that critical circumstances do not exist with respect to imports of subject merchandise from Austria, Belgium, and Italy that are subject to the Department's affirmative critical circumstances findings.[2]

Scope of the Orders

The merchandise covered by these orders is certain CTL plate. *See* Appendix A for Austria, Belgium, France, Germany, and Italy, Appendix B for Korea, Appendix C for Japan, and Appendix D for Taiwan.

Amendment to Final Determinations

A ministerial error is defined as an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial.[3]

France Amended Final Determination

Pursuant to section 735(e) of the Act and 19 CFR 351.224(e) and (f), the Department is amending the *France Final* to reflect the correction of ministerial errors in the final estimated weighted-average dumping margin calculated for Dillinger France S.A. (Dillinger France). In addition, because Dillinger France's estimated weighted-average dumping margin is the basis for the estimated weighted-average dumping margin determined for all other French producers and exporters of subject merchandise, we also are revising the ''all-others'' rate in *France Final*.[4] [5]

Germany Amended Final Determination

Pursuant to section 735(e) of the Act and 19 CFR 351.224(e) and (f), the Department is amending the *Germany Final* to reflect the correction of a ministerial error in the final estimated weighted-average dumping margin calculated for AG der Dillinger Hüttenwerke (Dillinger Germany). In addition, because the Department determined the estimated weighted-average dumping margin for all other German producers and exporters of subject merchandise based on a weighted-average of the respondents' estimated weighted-average dumping margins using publicly-ranged quantities for their sales of subject

[1] *See Certain Carbon and Alloy Steel Cut-To-Length Plate from Austria: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances,* 82 FR 16366 (April 4, 2017); *Certain Carbon and Alloy Steel Cut-To-Length Plate from Belgium: Final Determination of Sales at Less Than Fair Value and Final Determination of Critical Circumstances, in Part,* 82 FR 16378 (April 4, 2017); *Certain Carbon and Alloy Steel Cut-to-Length Plate from France: Final Determination of Sales at Less Than Fair Value, 82 FR 16363 (April 4, 2017)* (*France Final*); *Certain Carbon and Alloy Steel Cut-to-Length Plate from the Federal Republic of Germany: Final Determination of Sales at Less Than Fair Value,* 82 FR 16360 (April 4, 2017) (*Germany Final*); *Certain Carbon and Alloy Steel Cut-to-Length Plate from Italy: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances,* 82 FR 16345 (April 4, 2017); *Certain Carbon and Alloy Steel Cut-to-Length Plate from Japan: Final Determination of Sales at Less Than Fair Value,* 82 FR 16349 (April 4, 2017); *Certain Carbon and Alloy Steel Cut-To-Length Plate from the Republic of Korea: Final Determination of Sales at Less Than Fair Value and Final Negative Critical Circumstances Determination,* 82 FR 16369 (April 4, 2017) (*Korea Final*); and *Certain Carbon and Alloy Steel Cut-To-Length Plate from Taiwan: Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances Final,* 82 FR 16372 (April 4, 2017) (*Taiwan Final*).

[2] *See* Letter regarding CTL plate from Austria, Belgium, France, Germany, Italy, Japan, Korea, and Taiwan Australia, Brazil, China, Indonesia, and Portugal (May 18, 2017) (ITC Letter). *See also Carbon and Alloy Steel Cut-to-Length Plate from Austria, Belgium, France, Germany, Italy, Japan, Korea, and Taiwan Investigation Nos. 701–TA–561 and 731–TA–1317–1318, 1321–1325, and 1327* (*Final*) USITC Publication 4691 (May 2017) (ITC Report).

[3] *See* section 735(e) of the Act and 19 CFR 351.224(f).

[4] *See* ''Estimated Weighted-Average Dumping Margins'' section below.

[5] *See* Memorandum, ''Less-Than-Fair-Value Investigation of Certain Carbon and Alloy Steel Cut-To-Length Plate from France: Allegation of Ministerial Error in the Final Determination,'' dated April 28, 2017.

merchandise, we also are revising the ''all-others'' rate in *Germany Final.*[6] [7]

Korea Amended Final Determination

Pursuant to section 735(e) of the Act and 19 CFR 351.224(e) and (f), the Department is amending the *Korea Final* to reflect the correction of ministerial errors in the final estimated weighted-average dumping margin calculated for POSCO. In addition, because POSCO's estimated weighted-average dumping margin is the basis for the estimated weighted-average dumping margin for all other Korean producers and exporters of subject merchandise, we also are revising the ''all-others'' rate in *Korea Final.*[8] [9]

Taiwan Amended Final Determination

Pursuant to section 735(e) of the Act and 19 CFR 351.224(e) and (f), the Department is amending the *Taiwan Final* to reflect the correction of a ministerial error in the final estimated weighted-average dumping margin calculated for China Steel Corporation. In addition, because the Department determined the estimated weighted-average dumping margin for all other Taiwanese producers and exporters of subject merchandise based on a simple average of the respondents' estimated weighted-average dumping margins, we also are revising the ''all-others'' rate in *Taiwan Final.*[10] [11] In addition, in the *Taiwan Final,* we identified an error in the scope language for Taiwan included in the Appendix. *See* Appendix D, below, for the corrected scope language.

Antidumping Duty Orders

As stated above, on May 18, 2017, in accordance with sections 735(b)(1)(A)(i) and 735(d) of the Act, the ITC notified the Department of its determination that the industry in the United States producing CTL plate is materially injured with respect to CTL plate from Austria, Belgium, France, Germany, Italy, Japan, Korea, and Taiwan and its determination that critical circumstances do not exist with respect to imports of subject merchandise from Austria, Belgium, and Italy that are subject to the Department's affirmative critical circumstances finding[12] Therefore, in accordance with section 735(c)(2) of the Act, we are issuing these antidumping duty orders. Because the ITC determined that imports of CTL plate from Austria, Belgium, France, Germany, Italy, Japan, Korea, and Taiwan are materially injuring a U.S. industry, unliquidated entries of such merchandise from Austria, Belgium, France, Germany, Italy, Japan, Korea, and Taiwan, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by the Department, antidumping duties equal to the amount by which the NV of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of CTL plate from Austria, Belgium, France, Germany, Italy, Japan, Korea, and Taiwan. Antidumping duties will be assessed on unliquidated entries of CTL plate from Austria, Belgium, France, Germany, Italy, Japan, Korea, and Taiwan entered, or withdrawn from warehouse, for consumption on or after November 14, 2016, the date of publication of the preliminary determinations,[13] but will not include entries occurring after the expiration of the provisional measures period and before publication in the **Federal Register** of the ITC's injury determination as further described below.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct CBP to continue to suspend liquidation on all relevant entries of CTL plate from Austria, Belgium, France, Germany, Italy, Japan, Korea, and Taiwan. These instructions suspending liquidation will remain in effect until further notice.

We will also instruct CBP to require cash deposits for estimated antidumping duties equal to the amounts as indicated below. Accordingly, effective on the date of publication in the **Federal Register** of the ITC's affirmative injury determinations, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the estimated weighted-average dumping margins listed below.[14] The relevant ''all-others'' rates apply to all producers or exporters not specifically listed, as appropriate.

Provisional Measures

Section 733(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request the Department to extend that four-month period to no more than six months. At the request of exporters that account for a significant proportion of exports of CTL plate from Austria, Belgium, France, Germany, Italy, Japan, Korea, and Taiwan, we extended the four-month period to six months in each proceeding.[15] In the underlying investigations, the Department published the preliminary determinations on November 14, 2016. Therefore, the extended period, beginning on the date of publication of the preliminary determinations, ended on May 12, 2017.

Therefore, in accordance with section 733(d) of the Act and our practice, we

[6] *See* the ''Estimated Weighted-Average Dumping Margins'' section below.

[7] *See* Memorandum, ''Less-Than-Fair-Value Investigation of Certain Carbon and Alloy Steel Cut-To-Length Plate from Germany: Allegation of Ministerial Error in the Final Determination,'' dated May 2, 2017.

[8] *See* the ''Estimated Weighted-Average Dumping Margins'' section below.

[9] *See* Memorandum, ''Antidumping Duty Less-Than-Fair-Value Investigation of Certain Carbon and Alloy Steel Cut-To-Length Plate from the Republic of Korea: Allegation of Ministerial Error in the Final Determination,'' dated concurrently with this notice.

[10] *See* the ''Estimated Weighted-Average Dumping Margins'' section below.

[11] *See* Memorandum, ''Amended Final Determination of the Less-Than-Fair-Value Investigation of Carbon and Alloy Steel Cut-to-Length Plate from Taiwan: Allegation of Ministerial Error for China Steel Corporation,'' dated concurrently with this notice.

[12] *See* ITC Letter and ITC Report.

[13] *See Certain Carbon and Alloy Steel Cut-To-Length Plate from Austria: Preliminary Determination of Sales at Less Than Fair Value and Postponement of the Final Determination,* 81 FR 79416 (November 14, 2016) (*Austria Prelim*); *Certain Carbon and Alloy Steel Cut-To- Length Plate from Belgium: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 81 FR 79431 (November 14, 2016) (*Belgium Prelim*); *Certain Carbon and Alloy Steel Cut-To-Length Plate from France: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 81 FR 79437 (November 14, 2016) (*France Prelim*); *Certain Carbon and Alloy Steel Cut-to-Length Plate from the Federal Republic of Germany: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 81 FR 79446 (November 14, 2016) (*Germany Prelim*); *Certain Carbon and Alloy Steel Cut-To-Length Plate from Italy: Preliminary Determination of Sales at Less Than Fair Value, Affirmative Determination of Critical Circumstances, and Postponement of Final Determination,* 81 FR 79423 (November 14, 2016) (*Italy Prelim*); *Certain Carbon and Alloy Steel Cut-To-Length Plate from Japan: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 81 FR 79427 (November 14, 2016) (*Japan Prelim*); *Certain Carbon and Alloy Steel Cut-to-Length Plate from the Republic of Korea: Affirmative Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 81 FR 79441 (November 14, 2016) (*Korea Prelim*); and *Certain Carbon and Alloy Steel Cut-To-Length Plate from Taiwan: Preliminary Determination of Sales at Less Than Fair Value,* 81 FR 79420 (November 14, 2016) (*Taiwan Prelim*).

[14] *See* section 736(a)(3) of the Act.

[15] *See Austria Prelim, Belgium Prelim, France Prelim, Germany Prelim, Italy Prelim, Japan Prelim, Korea Prelim,* and *Taiwan Prelim.*

will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of CTL plate from Austria, Belgium, France, Germany, Italy, Japan, Korea, and Taiwan entered, or withdrawn from warehouse, for consumption after May 12, 2017, the date on which the provisional measures expired, until and through the day preceding the date of publication of the ITC's injury determinations in the **Federal Register**. Suspension of liquidation will resume on the date of publication of the ITC's determination in the **Federal Register**.

Critical Circumstances

With regard to the ITC's negative critical circumstances determination on imports of CTL plate from Austria, Belgium, and Italy, we will instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated antidumping duties with respect to entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after August 16, 2016 (*i.e.,* 90 days prior to the date of publication of the *Austria Prelim, Belgium Prelim,* and *Italy Prelim*), but before November 14, 2016 (*i.e.,* the date of publication of the *Austria Prelim, Belgium Prelim,* and *Italy Prelim*).

Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins for each antidumping order are as follows:

	Producer/exporter	Estimated weighted-average dumping margin (percent)
Austria	Bohler Bleche GmbH & Co KG, Bohler Edelstahl GmbH & Co KG, Bohler International GmbH, voestalpine Grobblech GmbH, and voestalpine Steel Service Center GmbH.	53.72
	All Others	53.72
Belgium	Industeel Belgium S.A	5.40
	NLMK Clabecq S.A., NLMK Plate Sales S.A., NLMK Sales Europe S.A., NLMK Manage Steel Center S.A., and/or NLMK La Louviere S.A.	51.78
	All Others	5.40
France	Dillinger France S.A	6.15
	Industeel France S.A	148.02
	All Others	6.15
Germany	AG der Dillinger Hüttenwerke	5.52
	Ilsenburger Grobblech GmbH, Salzgitter Mannesmann Grobblech GmbH, Salzgitter Flachstahl GmbH, and Salzgitter Mannesmann International GmbH.	22.90
	All Others	21.04
Italy	NLMK Verona SpA	22.19
	Officine Tecnosider s.r.l	6.08
	Marcegaglia SpA	22.19
	All Others	6.08
Japan	Tokyo Steel Manufacturing Co., Ltd	14.79
	JFE Steel Corporation	48.67
	Shimabun Corporation	48.67
	All Others	14.79
Korea	POSCO	7.10
	All Others	7.10
Taiwan	China Steel Corporation	75.42
	Shang Chen Steel Co., Ltd	3.62
	All Others	39.52

Notifications to Interested Parties

This notice constitutes the antidumping duty orders with respect to CTL plate from Austria, Belgium, France, Germany, Italy, Japan, Korea, and Taiwan pursuant to section 736(a) of the Act. Interested parties can find a list of antidumping duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

These amended final determinations and orders are published in accordance with sections 735(e) and 736(a) of the Act and 19 CFR 351.210(c), 351.211(b), and 351.224(e) and (f).

Dated: May 19, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

APPENDICES

(A) Scope of the Orders for CTL Plate From Austria, Belgium, France, Germany, and Italy

The products covered by these orders are certain carbon and alloy steel hot-rolled or forged flat plate products not in coils, whether or not painted, varnished, or coated with plastics or other non-metallic substances (cut-to-length plate). Subject merchandise includes plate that is produced by being cut-to-length from coils or from other discrete length plate and plate that is rolled or forged into a discrete length. The products covered include (1) Universal mill plates (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm, and of a thickness of not less than 4 mm, which are not in coils and without patterns in relief), and (2) hot-rolled or forged flat steel products of a thickness of 4.75 mm or more and of a width which exceeds 150 mm and measures at least twice the thickness, and which are not in coils, whether or not with patterns in relief. The covered products described above may be rectangular, square, circular or other shapes and include products of either rectangular or non-rectangular cross-section where such non-rectangular cross-section is achieved subsequent to the rolling process, *i.e.,* products which have been ''worked after rolling'' (*e.g.,* products which have been beveled or rounded at the edges).

For purposes of the width and thickness requirements referenced above, the following rules apply:

(1) Except where otherwise stated where the nominal and actual thickness or width

measurements vary, a product from a given subject country is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above, and

(2) where the width and thickness vary for a specific product (*e.g.,* the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, *etc.*), the measurement at its greatest width or thickness applies.

Steel products included in the scope of this order are products in which: (1) Iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is 2 percent or less by weight.

Subject merchandise includes cut-to-length plate that has been further processed in the subject country or a third country, including but not limited to pickling, oiling, levelling, annealing, tempering, temper rolling, skin passing, painting, varnishing, trimming, cutting, punching, beveling, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the order if performed in the country of manufacture of the cut-to-length plate.

All products that meet the written physical description, are within the scope of this order unless specifically excluded or covered by the scope of an existing order. The following products are outside of, and/or specifically excluded from, the scope of this order:

(1) Products clad, plated, or coated with metal, whether or not painted, varnished or coated with plastic or other non-metallic substances;

(2) military grade armor plate certified to one of the following specifications or to a specification that references and incorporates one of the following specifications:

- MIL–A–12560,
- MIL–DTL–12560H,
- MIL–DTL–12560J,
- MIL–DTL–12560K,
- MIL–DTL–32332,
- MIL–A–46100D,
- MIL–DTL–46100–E,
- MIL–46177C,
- MIL–S–16216K Grade HY80,
- MIL–S–16216K Grade HY100,
- MIL–S–24645A HSLA–80;
- MIL–S–24645A HSLA–100,
- T9074–BD–GIB–010/0300 Grade HY80,
- T9074–BD–GIB–010/0300 Grade HY100,
- T9074–BD–GIB–010/0300 Grade HSLA80,
- T9074–BD–GIB–010/0300 Grade HSLA100, and
- T9074–BD–GIB–010/0300 Mod. Grade HSLA115,

except that any cut-to-length plate certified to one of the above specifications, or to a military grade armor specification that references and incorporates one of the above specifications, will not be excluded from the scope if it is also dual- or multiple-certified to any other non-armor specification that otherwise would fall within the scope of this order;

(3) stainless steel plate, containing 10.5 percent or more of chromium by weight and not more than 1.2 percent of carbon by weight;

(4) CTL plate meeting the requirements of ASTM A–829, Grade E 4340 that are over 305 mm in actual thickness;

(5) Alloy forged and rolled CTL plate greater than or equal to 152.4 mm in actual thickness meeting each of the following requirements:

(a) Electric furnace melted, ladle refined & vacuum degassed and having a chemical composition (expressed in weight percentages):

- Carbon 0.23–0.28,
- Silicon 0.05–0.20,
- Manganese 1.20–1.60,
- Nickel not greater than 1.0,
- Sulfur not greater than 0.007,
- Phosphorus not greater than 0.020,
- Chromium 1.0–2.5,
- Molybdenum 0.35–0.80,
- Boron 0.002–0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm;

(b) With a Brinell hardness measured in all parts of the product including mid thickness falling within one of the following ranges:

(i) 270–300 HBW,
(ii) 290–320 HBW, or
(iii) 320–350HBW;

(c) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.5, B not exceeding 1.0, C not exceeding 0.5, D not exceeding 1.5; and

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 2 mm flat bottom hole;

(6) Alloy forged and rolled steel CTL plate over 407 mm in actual thickness and meeting the following requirements:

(a) Made from Electric Arc Furnace melted, Ladle refined & vacuum degassed, alloy steel with the following chemical composition (expressed in weight percentages):

- Carbon 0.23–0.28,
- Silicon 0.05–0.15,
- Manganese 1.20–1.50,
- Nickel not greater than 0.4,
- Sulfur not greater than 0.010,
- Phosphorus not greater than 0.020,
- Chromium 1.20–1.50,
- Molybdenum 0.35–0.55,
- Boron 0.002–0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm;

(b) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.5, B not exceeding 1.5, C not exceeding 1.0, D not exceeding 1.5;

(c) Having the following mechanical properties:

(i) With a Brinell hardness not more than 237 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 75ksi min and UTS 95ksi or more, Elongation of 18% or more and Reduction of area 35% or more; having charpy V at −75 degrees F in the longitudinal direction equal or greater than 15 ft. lbs (single value) and equal or greater than 20 ft. lbs (average of 3 specimens) and conforming to the requirements of NACE MR01–75; or

(ii) With a Brinell hardness not less than 240 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 90 ksi min and UTS 110 ksi or more, Elongation of 15% or more and Reduction of area 30% or more; having charpy V at −40 degrees F in the longitudinal direction equal or greater than 21 ft. lbs (single value) and equal or greater than 31 ft. lbs (average of 3 specimens);

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 3.2 mm flat bottom hole; and

(e) Conforming to magnetic particle inspection in accordance with AMS 2301;

(7) Alloy forged and rolled steel CTL plate over 407 mm in actual thickness and meeting the following requirements:

(a) Made from Electric Arc Furnace melted, ladle refined & vacuum degassed, alloy steel with the following chemical composition (expressed in weight percentages):

- Carbon 0.25–0.30,
- Silicon not greater than 0.25,
- Manganese not greater than 0.50,
- Nickel 3.0–3.5,
- Sulfur not greater than 0.010,
- Phosphorus not greater than 0.020,
- Chromium 1.0–1.5,
- Molybdenum 0.6–0.9,
- Vanadium 0.08 to 0.12
- Boron 0.002–0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm.

(b) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.0(t) and 0.5(h), B not exceeding 1.5(t) and 1.0(h), C not exceeding 1.0(t) and 0.5(h), and D not exceeding 1.5(t) and 1.0(h);

(c) Having the following mechanical properties: A Brinell hardness not less than 350 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 145ksi or more and UTS 160ksi or more, Elongation of 15% or more and Reduction of area 35% or more; having charpy V at −40 degrees F in the transverse direction equal or greater than 20 ft. lbs (single value) and equal or greater than 25 ft. lbs (average of 3 specimens);

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 3.2 mm flat bottom hole; and

(e) Conforming to magnetic particle inspection in accordance with AMS 2301.

The products subject to the order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7225.40.1110, 7225.40.1180, 7225.40.3005, 7225.40.3050, 7226.20.0000, and 7226.91.5000.

The products subject to the order may also enter under the following HTSUS item numbers: 7208.40.6060, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.19.1500, 7211.19.2000, 7211.19.4500, 7211.19.6000, 7211.19.7590, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7214.10.0000, 7214.30.0010, 7214.30.0080, 7214.91.0015, 7214.91.0060, 7214.91.0090, 7225.11.0000, 7225.19.0000, 7225.40.5110, 7225.40.5130, 7225.40.5160, 7225.40.7000, 7225.99.0010, 7225.99.0090, 7226.11.1000, 7226.11.9060, 7226.19.1000, 7226.19.9000,

7226.91.0500, 7226.91.1530, 7226.91.1560, 7226.91.2530, 7226.91.2560, 7226.91.7000, 7226.91.8000, and 7226.99.0180.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the order is dispositive.

(B) Scope of the Order for CTL Plate From Korea

The products covered by this order are certain carbon and alloy steel hot-rolled or forged flat plate products not in coils, whether or not painted, varnished, or coated with plastics or other non-metallic substances (cut-to-length plate). Subject merchandise includes plate that is produced by being cut-to-length from coils or from other discrete length plate and plate that is rolled or forged into a discrete length. The products covered include (1) Universal mill plates (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm, and of a thickness of not less than 4 mm, which are not in coils and without patterns in relief), and (2) hot-rolled or forged flat steel products of a thickness of 4.75 mm or more and of a width which exceeds 150 mm and measures at least twice the thickness, and which are not in coils, whether or not with patterns in relief. The covered products described above may be rectangular, square, circular or other shapes and include products of either rectangular or non-rectangular cross-section where such non-rectangular cross-section is achieved subsequent to the rolling process, *i.e.,* products which have been ''worked after rolling'' (*e.g.,* products which have been beveled or rounded at the edges).

For purposes of the width and thickness requirements referenced above, the following rules apply:

(1) except where otherwise stated where the nominal and actual thickness or width measurements vary, a product from a given subject country is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above unless the product is already covered by an order existing on that specific country (*i.e., Certain Hot Rolled Steel Flat Products from Australia, Brazil, Japan, the Republic of Korea, the Netherlands, the Republic of Turkey, and the United Kingdom: Amended Final Affirmative Antidumping Determinations for Australia, the Republic of Korea, and the Republic of Turkey and Antidumping Duty Orders,* 81 FR 67962 (October 3, 2016), and

(2) where the width and thickness vary for a specific product (*e.g.,* the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, *etc.*), the measurement at its greatest width or thickness applies.

Steel products included in the scope of this order are products in which: (1) iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is 2 percent or less by weight.

Subject merchandise includes cut-to-length plate that has been further processed in the subject country or a third country, including but not limited to pickling, oiling, levelling, annealing, tempering, temper rolling, skin passing, painting, varnishing, trimming, cutting, punching, beveling, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the order if performed in the country of manufacture of the cut-to-length plate.

All products that meet the written physical description, are within the scope of this order unless specifically excluded or covered by the scope of an existing order. The following products are outside of, and/or specifically excluded from, the scope of this order:

(1) products clad, plated, or coated with metal, whether or not painted, varnished or coated with plastic or other non-metallic substances;

(2) military grade armor plate certified to one of the following specifications or to a specification that references and incorporates one of the following specifications:

- MIL–A–12560,
- MIL–DTL–12560H,
- MIL–DTL–12560J,
- MIL–DTL–12560K,
- MIL–DTL–32332,
- MIL–A–46100D,
- MIL–DTL–46100–E,
- MIL–46177C,
- MIL–S–16216K Grade HY80,
- MIL–S–16216K Grade HY100,
- MIL–S–24645A HSLA–80;
- MIL–S–24645A HSLA–100,
- T9074–BD–GIB–010/0300 Grade HY80,
- T9074–BD–GIB–010/0300 Grade HY100,
- T9074–BD–GIB–010/0300 Grade HSLA80,
- T9074–BD–GIB–010/0300 Grade HSLA100, and
- T9074–BD–GIB–010/0300 Mod. Grade HSLA115,

except that any cut-to-length plate certified to one of the above specifications, or to a military grade armor specification that references and incorporates one of the above specifications, will not be excluded from the scope if it is also dual- or multiple-certified to any other non-armor specification that otherwise would fall within the scope of this order;

(3) stainless steel plate, containing 10.5 percent or more of chromium by weight and not more than 1.2 percent of carbon by weight;

(4) CTL plate meeting the requirements of ASTM A–829, Grade E 4340 that are over 305 mm in actual thickness;

(5) Alloy forged and rolled CTL plate greater than or equal to 152.4 mm in actual thickness meeting each of the following requirements:

(a) Electric furnace melted, ladle refined & vacuum degassed and having a chemical composition (expressed in weight percentages):

- Carbon 0.23–0.28,
- Silicon 0.05–0.20,
- Manganese 1.20–1.60,
- Nickel not greater than 1.0,
- Sulfur not greater than 0.007,
- Phosphorus not greater than 0.020,
- Chromium 1.0–2.5,
- Molybdenum 0.35–0.80,
- Boron 0.002–0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm;

(b) With a Brinell hardness measured in all parts of the product including mid thickness falling within one of the following ranges:

(i) 270–300 HBW,
(ii) 290–320 HBW, or
(iii) 320–350HBW;

(c) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.5, B not exceeding 1.0, C not exceeding 0.5, D not exceeding 1.5; and

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 2 mm flat bottom hole;

(6) Alloy forged and rolled steel CTL plate over 407 mm in actual thickness and meeting the following requirements:

(a) Made from Electric Arc Furnace melted, Ladle refined & vacuum degassed, alloy steel with the following chemical composition (expressed in weight percentages):

- Carbon 0.23–0.28,
- Silicon 0.05–0.15,
- Manganese 1.20–1.50,
- Nickel not greater than 0.4,
- Sulfur not greater than 0.010,
- Phosphorus not greater than 0.020,
- Chromium 1.20–1.50,
- Molybdenum 0.35–0.55,
- Boron 0.002–0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm;

(b) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.5, B not exceeding 1.5, C not exceeding 1.0, D not exceeding 1.5;

(c) Having the following mechanical properties:

(i) With a Brinell hardness not more than 237 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 75ksi min and UTS 95ksi or more, Elongation of 18% or more and Reduction of area 35% or more; having charpy V at -75 degrees F in the longitudinal direction equal or greater than 15 ft. lbs (single value) and equal or greater than 20 ft. lbs (average of 3 specimens) and conforming to the requirements of NACE MR01–75; or

(ii) With a Brinell hardness not less than 240 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 90 ksi min and UTS 110 ksi or more, Elongation of 15% or more and Reduction of area 30% or more; having charpy V at -40 degrees F in the longitudinal direction equal or greater than 21 ft. lbs (single value) and equal or greater than 31 ft. lbs (average of 3 specimens);

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 3.2 mm flat bottom hole; and

(e) Conforming to magnetic particle inspection in accordance with AMS 2301;

(7) Alloy forged and rolled steel CTL plate over 407 mm in actual thickness and meeting the following requirements:

(a) Made from Electric Arc Furnace melted, ladle refined & vacuum degassed, alloy steel with the following chemical composition (expressed in weight percentages):

- Carbon 0.25–0.30,

- Silicon not greater than 0.25,
- Manganese not greater than 0.50,
- Nickel 3.0–3.5,
- Sulfur not greater than 0.010,
- Phosphorus not greater than 0.020,
- Chromium 1.0–1.5,
- Molybdenum 0.6–0.9,
- Vanadium 0.08 to 0.12
- Boron 0.002–0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm.

(b) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.0(t) and 0.5(h), B not exceeding 1.5(t) and 1.0(h), C not exceeding 1.0(t) and 0.5(h), and D not exceeding 1.5(t) and 1.0(h);

(c) Having the following mechanical properties: A Brinell hardness not less than 350 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 145ksi or more and UTS 160ksi or more, Elongation of 15% or more and Reduction of area 35% or more; having charpy V at -40 degrees F in the transverse direction equal or greater than 20 ft. lbs (single value) and equal or greater than 25 ft. lbs (average of 3 specimens);

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 3.2 mm flat bottom hole; and

(e) Conforming to magnetic particle inspection in accordance with AMS 2301.

At the time of the filing of the petition, there was an existing antidumping duty order on certain cut-to-length carbon-quality steel plate products from Korea. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-To-Length Carbon-Quality Steel Plate Products from Korea,* 64 FR 73,196 (Dep't Commerce Dec. 29, 1999), as amended, 65 FR 6,585 (Dep't Commerce Feb 10, 2000) (1999 Korea AD Order). The scope of the antidumping duty order with regard to cut-to-length plate from Korea covers only (1) subject cut-to-length plate not within the physical description of cut-to-length carbon quality steel plate in the 1999 Korea AD Order, regardless of producer or exporter; and (2) cut-to-length plate produced and/or exported by those companies that were excluded or revoked from the 1999 Korea AD Order as of April 8, 2016. The only revoked or excluded company is Pohang Iron and Steel Company, also known as POSCO.

The products subject to the order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7225.40.1110, 7225.40.1180, 7225.40.3005, 7225.40.3050, 7226.20.0000, and 7226.91.5000.

The products subject to the order may also enter under the following HTSUS item numbers: 7208.40.6060, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.19.1500, 7211.19.2000, 7211.19.4500, 7211.19.6000, 7211.19.7590, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7214.10.0000, 7214.30.0010, 7214.30.0080, 7214.91.0015, 7214.91.0060, 7214.91.0090, 7225.11.0000, 7225.19.0000, 7225.40.5110, 7225.40.5130, 7225.40.5160, 7225.40.7000, 7225.99.0010, 7225.99.0090, 7226.11.1000, 7226.11.9060, 7226.19.1000, 7226.19.9000, 7226.91.0500, 7226.91.1530, 7226.91.1560, 7226.91.2530, 7226.91.2560, 7226.91.7000, 7226.91.8000, and 7226.99.0180.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the order is dispositive.

(C) Scope of the Order for CTL Plate From Japan

The products covered by this order are certain carbon and alloy steel hot-rolled or forged flat plate products not in coils, whether or not painted, varnished, or coated with plastics or other non-metallic substances (cut-to-length plate). Subject merchandise includes plate that is produced by being cut-to-length from coils or from other discrete length plate and plate that is rolled or forged into a discrete length. The products covered include (1) Universal mill plates (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm, and of a thickness of not less than 4 mm, which are not in coils and without patterns in relief), and (2) hot-rolled or forged flat steel products of a thickness of 4.75 mm or more and of a width which exceeds 150 mm and measures at least twice the thickness, and which are not in coils, whether or not with patterns in relief. The covered products described above may be rectangular, square, circular or other shapes and include products of either rectangular or non-rectangular cross-section where such non-rectangular cross-section is achieved subsequent to the rolling process, *i.e.,* products which have been ''worked after rolling'' (*e.g.,* products which have been beveled or rounded at the edges).

For purposes of the width and thickness requirements referenced above, the following rules apply:

(1) except where otherwise stated where the nominal and actual thickness or width measurements vary, a product from a given subject country is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above unless the product is already covered by an order existing on that specific country (*i.e., Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, the Republic of Korea, the Netherlands, the Republic of Turkey, and the United Kingdom: Amended Final Affirmative Antidumping Determinations for Australia, the Republic of Korea, and the Republic of Turkey and Antidumping Duty Orders,* 81 FR 67962 (October 3, 2016), and

(2) where the width and thickness vary for a specific product (*e.g.,* the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, *etc.*), the measurement at its greatest width or thickness applies.

Steel products included in the scope of this order are products in which: (1) Iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is 2 percent or less by weight.

Subject merchandise includes cut-to-length plate that has been further processed in the subject country or a third country, including but not limited to pickling, oiling, levelling, annealing, tempering, temper rolling, skin passing, painting, varnishing, trimming, cutting, punching, beveling, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the order if performed in the country of manufacture of the cut-to-length plate.

All products that meet the written physical description, are within the scope of this order unless specifically excluded or covered by the scope of an existing order. The following products are outside of, and/or specifically excluded from, the scope of this order:

(1) products clad, plated, or coated with metal, whether or not painted, varnished or coated with plastic or other non-metallic substances;

(2) military grade armor plate certified to one of the following specifications or to a specification that references and incorporates one of the following specifications:

- MIL–A–12560,
- MIL–DTL–12560H,
- MIL–DTL–12560J,
- MIL–DTL–12560K,
- MIL–DTL–32332,
- MIL–A–46100D,
- MIL–DTL–46100–E,
- MIL–46177C,
- MIL–S–16216K Grade HY80,
- MIL–S–16216K Grade HY100,
- MIL–S–24645A HSLA–80;
- MIL–S–24645A HSLA–100,
- T9074–BD–GIB–010/0300 Grade HY80,
- T9074–BD–GIB–010/0300 Grade HY100,
- T9074–BD–GIB–010/0300 Grade HSLA80,
- T9074–BD–GIB–010/0300 Grade HSLA100, and
- T9074–BD–GIB–010/0300 Mod. Grade HSLA115,

except that any cut-to-length plate certified to one of the above specifications, or to a military grade armor specification that references and incorporates one of the above specifications, will not be excluded from the scope if it is also dual- or multiple-certified to any other non-armor specification that otherwise would fall within the scope of this order;

(3) stainless steel plate, containing 10.5 percent or more of chromium by weight and not more than 1.2 percent of carbon by weight;

(4) CTL plate meeting the requirements of ASTM A–829, Grade E 4340 that are over 305 mm in actual thickness;

(5) Alloy forged and rolled CTL plate greater than or equal to 152.4 mm in actual thickness meeting each of the following requirements:

(a) Electric furnace melted, ladle refined & vacuum degassed and having a chemical composition (expressed in weight percentages):

- Carbon 0.23–0.28,
- Silicon 0.05–0.20,
- Manganese 1.20–1.60,
- Nickel not greater than 1.0,
- Sulfur not greater than 0.007,
- Phosphorus not greater than 0.020,
- Chromium 1.0–2.5,
- Molybdenum 0.35–0.80,

- Boron 0.002–0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm;

(b) With a Brinell hardness measured in all parts of the product including mid thickness falling within one of the following ranges:

(i) 270–300 HBW,
(ii) 290–320 HBW, or
(iii) 320–350HBW;

(c) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.5, B not exceeding 1.0, C not exceeding 0.5, D not exceeding 1.5; and

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 2 mm flat bottom hole;

(6) Alloy forged and rolled steel CTL plate over 407 mm in actual thickness and meeting the following requirements:

(a) Made from Electric Arc Furnace melted, Ladle refined & vacuum degassed, alloy steel with the following chemical composition (expressed in weight percentages):

- Carbon 0.23–0.28,
- Silicon 0.05–0.15,
- Manganese 1.20–1.50,
- Nickel not greater than 0.4,
- Sulfur not greater than 0.010,
- Phosphorus not greater than 0.020,
- Chromium 1.20–1.50,
- Molybdenum 0.35–0.55,
- Boron 0.002–0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm;

(b) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.5, B not exceeding 1.5, C not exceeding 1.0, D not exceeding 1.5;

(c) Having the following mechanical properties:

(i) With a Brinell hardness not more than 237 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 75ksi min and UTS 95ksi or more, Elongation of 18% or more and Reduction of area 35% or more; having charpy V at -75 degrees F in the longitudinal direction equal or greater than 15 ft. lbs (single value) and equal or greater than 20 ft. lbs (average of 3 specimens) and conforming to the requirements of NACE MR01–75; or

(ii) With a Brinell hardness not less than 240 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 90 ksi min and UTS 110 ksi or more, Elongation of 15% or more and Reduction of area 30% or more; having charpy V at -40 degrees F in the longitudinal direction equal or greater than 21 ft. lbs (single value) and equal or greater than 31 ft. lbs (average of 3 specimens);

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 3.2 mm flat bottom hole; and

(e) Conforming to magnetic particle inspection in accordance with AMS 2301;

(7) Alloy forged and rolled steel CTL plate over 407 mm in actual thickness and meeting the following requirements:

(a) Made from Electric Arc Furnace melted, ladle refined & vacuum degassed, alloy steel with the following chemical composition (expressed in weight percentages):

- Carbon 0.25–0.30,
- Silicon not greater than 0.25,
- Manganese not greater than 0.50,
- Nickel 3.0–3.5,
- Sulfur not greater than 0.010,
- Phosphorus not greater than 0.020,
- Chromium 1.0–1.5,
- Molybdenum 0.6–0.9,
- Vanadium 0.08 to 0.12
- Boron 0.002–0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm.

(b) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.0(t) and 0.5(h), B not exceeding 1.5(t) and 1.0(h), C not exceeding 1.0(t) and 0.5(h), and D not exceeding 1.5(t) and 1.0(h);

(c) Having the following mechanical properties: A Brinell hardness not less than 350 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 145ksi or more and UTS 160ksi or more, Elongation of 15% or more and Reduction of area 35% or more; having charpy V at -40 degrees F in the transverse direction equal or greater than 20 ft. lbs (single value) and equal or greater than 25 ft. lbs (average of 3 specimens);

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 3.2 mm flat bottom hole; and

(e) Conforming to magnetic particle inspection in accordance with AMS 2301.

The products subject to the order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7225.40.1110, 7225.40.1180, 7225.40.3005, 7225.40.3050, 7226.20.0000, and 7226.91.5000.

The products subject to the order may also enter under the following HTSUS item numbers: 7208.40.6060, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.19.1500, 7211.19.2000, 7211.19.4500, 7211.19.6000, 7211.19.7590, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7214.10.0000, 7214.30.0010, 7214.30.0080, 7214.91.0015, 7214.91.0060, 7214.91.0090, 7225.11.0000, 7225.19.0000, 7225.40.5110, 7225.40.5130, 7225.40.5160, 7225.40.7000, 7225.99.0010, 7225.99.0090, 7226.11.1000, 7226.11.9060, 7226.19.1000, 7226.19.9000, 7226.91.0500, 7226.91.1530, 7226.91.1560, 7226.91.2530, 7226.91.2560, 7226.91.7000, 7226.91.8000, and 7226.99.0180.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the order is dispositive.

(D) Scope of the Order for CTL Plate From Taiwan

The products covered by this order are certain carbon and alloy steel hot-rolled or forged flat plate products not in coils, whether or not painted, varnished, or coated with plastics or other non-metallic substances (cut-to-length plate). Subject merchandise includes plate that is produced by being cut-to-length from coils or from other discrete length plate and plate that is rolled or forged into a discrete length. The products covered include (1) Universal mill plates (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm, and of a thickness of not less than 4 mm, which are not in coils and without patterns in relief), and (2) hot-rolled or forged flat steel products of a thickness of 4.75 mm or more and of a width which exceeds 150 mm and measures at least twice the thickness, and which are not in coils, whether or not with patterns in relief. The covered products described above may be rectangular, square, circular or other shapes and include products of either rectangular or non-rectangular cross-section where such non-rectangular cross-section is achieved subsequent to the rolling process, *i.e.,* products which have been ''worked after rolling'' (*e.g.,* products which have been beveled or rounded at the edges).

For purposes of the width and thickness requirements referenced above, the following rules apply:

(1) except where otherwise stated where the nominal and actual thickness or width measurements vary, a product from a given subject country is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above unless the product is already covered by an order existing on that specific country (*i.e. Notice of Antidumping Duty Order; Certain Hot-Rolled Carbon Steel Flat Products From Taiwan,* 66 FR 59563 (November 29, 2001)); and

(2) where the width and thickness vary for a specific product (*e.g.,* the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, *etc.*), the measurement at its greatest width or thickness applies.

Steel products included in the scope of this order are products in which: (1) Iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is 2 percent or less by weight.

Subject merchandise includes cut-to-length plate that has been further processed in the subject country or a third country, including but not limited to pickling, oiling, levelling, annealing, tempering, temper rolling, skin passing, painting, varnishing, trimming, cutting, punching, beveling, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the order if performed in the country of manufacture of the cut-to-length plate.

All products that meet the written physical description, are within the scope of this order unless specifically excluded or covered by the scope of an existing order. The following products are outside of, and/or specifically excluded from, the scope of this order:

(1) Products clad, plated, or coated with metal, whether or not painted, varnished or coated with plastic or other non-metallic substances;

(2) military grade armor plate certified to one of the following specifications or to a specification that references and incorporates one of the following specifications:

- MIL–A–12560,
- MIL–DTL–12560H,
- MIL–DTL–12560J,
- MIL–DTL–12560K,
- MIL–DTL–32332,
- MIL–A–46100D,
- MIL–DTL–46100–E,
- MIL–46177C,
- MIL–S–16216K Grade HY80,
- MIL–S–16216K Grade HY100,
- MIL–S–24645A HSLA–80;
- MIL–S–24645A HSLA–100,
- T9074–BD–GIB–010/0300 Grade HY80,
- T9074–BD–GIB–010/0300 Grade HY100,
- T9074–BD–GIB–010/0300 Grade HSLA80,
- T9074–BD–GIB–010/0300 Grade HSLA100, and
- T9074–BD–GIB–010/0300 Mod. Grade HSLA115,

except that any cut-to-length plate certified to one of the above specifications, or to a military grade armor specification that references and incorporates one of the above specifications, will not be excluded from the scope if it is also dual- or multiple-certified to any other non-armor specification that otherwise would fall within the scope of this order;

(3) stainless steel plate, containing 10.5 percent or more of chromium by weight and not more than 1.2 percent of carbon by weight;

(4) CTL plate meeting the requirements of ASTM A–829, Grade E 4340 that are over 305 mm in actual thickness;

(5) Alloy forged and rolled CTL plate greater than or equal to 152.4 mm in actual thickness meeting each of the following requirements:

(a) Electric furnace melted, ladle refined & vacuum degassed and having a chemical composition (expressed in weight percentages):

- Carbon 0.23–0.28,
- Silicon 0.05–0.20,
- Manganese 1.20–1.60,
- Nickel not greater than 1.0,
- Sulfur not greater than 0.007,
- Phosphorus not greater than 0.020,
- Chromium 1.0–2.5,
- Molybdenum 0.35–0.80,
- Boron 0.002–0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm;

(b) With a Brinell hardness measured in all parts of the product including mid thickness falling within one of the following ranges:

(i) 270–300 HBW,
(ii) 290–320 HBW, or
(iii) 320–350HBW;

(c) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.5, B not exceeding 1.0, C not exceeding 0.5, D not exceeding 1.5; and

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 2 mm flat bottom hole;

(6) Alloy forged and rolled steel CTL plate over 407 mm in actual thickness and meeting the following requirements:

(a) Made from Electric Arc Furnace melted, Ladle refined & vacuum degassed, alloy steel with the following chemical composition (expressed in weight percentages):

- Carbon 0.23–0.28,
- Silicon 0.05–0.15,
- Manganese 1.20–1.50,
- Nickel not greater than 0.4,
- Sulfur not greater than 0.010,
- Phosphorus not greater than 0.020,
- Chromium 1.20–1.50,
- Molybdenum 0.35–0.55,
- Boron 0.002–0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm;

(b) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.5, B not exceeding 1.5, C not exceeding 1.0, D not exceeding 1.5;

(c) Having the following mechanical properties:

(i) With a Brinell hardness not more than 237 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 75ksi min and UTS 95ksi or more, Elongation of 18% or more and Reduction of area 35% or more; having charpy V at −75 degrees F in the longitudinal direction equal or greater than 15 ft. lbs (single value) and equal or greater than 20 ft. lbs (average of 3 specimens) and conforming to the requirements of NACE MR01–75; or

(ii) With a Brinell hardness not less than 240 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 90 ksi min and UTS 110 ksi or more, Elongation of 15% or more and Reduction of area 30% or more; having charpy V at −40 degrees F in the longitudinal direction equal or greater than 21 ft. lbs (single value) and equal or greater than 31 ft. lbs (average of 3 specimens);

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 3.2 mm flat bottom hole; and

(e) Conforming to magnetic particle inspection in accordance with AMS 2301;

(7) Alloy forged and rolled steel CTL plate over 407 mm in actual thickness and meeting the following requirements:

(a) Made from Electric Arc Furnace melted, ladle refined & vacuum degassed, alloy steel with the following chemical composition (expressed in weight percentages):

- Carbon 0.25–0.30,
- Silicon not greater than 0.25,
- Manganese not greater than 0.50,
- Nickel 3.0–3.5,
- Sulfur not greater than 0.010,
- Phosphorus not greater than 0.020,
- Chromium 1.0–1.5,
- Molybdenum 0.6–0.9,
- Vanadium 0.08 to 0.12
- Boron 0.002–0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm.

(b) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.0(t) and 0.5(h), B not exceeding 1.5(t) and 1.0(h), C not exceeding 1.0(t) and 0.5(h), and D not exceeding 1.5(t) and 1.0(h);

(c) Having the following mechanical properties: A Brinell hardness not less than 350 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 145ksi or more and UTS 160ksi or more, Elongation of 15% or more and Reduction of area 35% or more; having charpy V at −40 degrees F in the transverse direction equal or greater than 20 ft. lbs (single value) and equal or greater than 25 ft. lbs (average of 3 specimens);

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 3.2 mm flat bottom hole; and

(e) Conforming to magnetic particle inspection in accordance with AMS 2301.

The products subject to the order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7225.40.1110, 7225.40.1180, 7225.40.3005, 7225.40.3050, 7226.20.0000, and 7226.91.5000.

The products subject to the order may also enter under the following HTSUS item numbers: 7208.40.6060, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.19.1500, 7211.19.2000, 7211.19.4500, 7211.19.6000, 7211.19.7590, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7214.10.0000, 7214.30.0010, 7214.30.0080, 7214.91.0015, 7214.91.0060, 7214.91.0090, 7225.11.0000, 7225.19.0000, 7225.40.5110, 7225.40.5130, 7225.40.5160, 7225.40.7000, 7225.99.0010, 7225.99.0090, 7226.11.1000, 7226.11.9060, 7226.19.1000, 7226.19.9000, 7226.91.0500, 7226.91.1530, 7226.91.1560, 7226.91.2530, 7226.91.2560, 7226.91.7000, 7226.91.8000, and 7226.99.0180.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the order is dispositive.

[FR Doc. 2017–10757 Filed 5–24–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–888]

Certain Carbon and Alloy Steel Cut-to-Length Plate From the Republic of Korea: Countervailing Duty Order

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

SUMMARY: Based on affirmative final determinations by the Department of Commerce (the Department) and the International Trade Commission (the ITC), the Department is issuing a countervailing duty (CVD) order on certain carbon and alloy steel cut-to-length plate (CTL plate) from the Republic of Korea (Korea).

DATES: May 25, 2017.

FOR FURTHER INFORMATION CONTACT: Yasmin Bordas at (202) 482–3813 or John Corrigan (202) 482–7438, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade

Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 705(d) and 777(i) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on April 4, 2017, the Department published its affirmative final determination in the CVD investigation of CTL plate from Korea.[1] On May 18, 2017, the ITC notified the Department of its affirmative determination, pursuant to section 705(d) of the Act, that an industry in the United States is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act by reason of subsidized imports of CTL plate from Korea.[2]

Scope of the Order

The merchandise covered by this order is CTL plate from Korea. For a complete description of the scope of the order, *see* Appendix I.

Countervailing Duty Order

As stated above, on May 18, 2017, in accordance with sections 705(b)(1)(A)(i), and 705(d) of the Act, the ITC notified the Department of its determination that the industry in the United States producing CTL plate is materially injured by reason of subsidized imports of CTL plate from Korea.[3] Therefore, in accordance with section 705(c)(2) of the Act, we are issuing this CVD order.

Because the Department's preliminary determination in the underlying investigation was negative, we did not instruct U.S Customs and Border Protection (CBP) to suspend liquidation of entries of CTL plate from Korea.[4] The Department's final determination was affirmative, and therefore, we directed CBP to suspend liquidation.[5] Therefore, we will direct CBP to assess, upon further instruction by the Department, countervailing duties on unliquidated entries of CTL plate entered, or withdrawn from warehouse, for consumption on or after April 4, 2017, the date on which the Department published its *Final Determination* in the **Federal Register**.

Suspension of Liquidation

In accordance with section 706 of the Act, we will instruct CBP to continue to suspend liquidation on all relevant entries of CTL plate from Korea, effective on the date of publication of the Department's notice of final determination in the **Federal Register**. We will also direct CBP to assess, upon further instruction by the Department, pursuant to 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rates for the subject merchandise.

We will also instruct CBP to require cash deposits equal to the amounts indicated below. CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the subsidy rates listed below. These instructions suspending liquidation will remain in effect until further notice. The ''all-others'' rate applies to all producers or exporters not specifically listed, as appropriate.

Subsidy Rates

The final subsidy rates are as follows:

Producer/exporter	Subsidy rate (percent)
POSCO	4.31
All Others	4.31

Notification to Interested Parties

This notice constitutes the CVD order with respect to CTL plate from Korea pursuant to section 706(a) of the Act. Interested parties may find a list of CVD orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

This order is issued and published in accordance with section 706(a) of the Act and 19 CFR 351.211(b).

Dated: May 22, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

Scope of the Investigation

The products covered by this investigation are certain carbon and alloy steel hot-rolled or forged flat plate products not in coils, whether or not painted, varnished, or coated with plastics or other non-metallic substances (cut-to-length plate). Subject merchandise includes plate that is produced by being cut-to-length from coils or from other discrete length plate and plate that is rolled or forged into a discrete length. The products covered include (1) Universal mill plates (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm, and of a thickness of not less than 4 mm, which are not in coils and without patterns in relief), and (2) hot-rolled or forged flat steel products of a thickness of 4.75 mm or more and of a width which exceeds 150 mm and measures at least twice the thickness, and which are not in coils, whether or not with patterns in relief. The covered products described above may be rectangular, square, circular or other shapes and include products of either rectangular or non-rectangular cross-section where such non-rectangular cross-section is achieved subsequent to the rolling process, *i.e.,* products which have been ''worked after rolling'' (*e.g.,* products which have been beveled or rounded at the edges).

For purposes of the width and thickness requirements referenced above, the following rules apply:

(1) Except where otherwise stated where the nominal and actual thickness or width measurements vary, a product from a given subject country is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above unless the product is already covered by an order existing on that specific country (*i.e., Certain Hot-Rolled Steel Flat Products from Brazil and the Republic of Korea: Amended Final Affirmative Countervailing Duty Orders,* 81 FR 67960 (October 3, 2016)); and

(2) where the width and thickness vary for a specific product (*e.g.,* the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, *etc.*), the measurement at its greatest width or thickness applies.

Steel products included in the scope of this investigation are products in which: (1) Iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is 2 percent or less by weight.

Subject merchandise includes cut-to-length plate that has been further processed in the subject country or a third country, including but not limited to pickling, oiling, levelling, annealing, tempering, temper rolling, skin passing, painting, varnishing, trimming, cutting, punching, beveling, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the cut-to-length plate.

All products that meet the written physical description, are within the scope of this investigation unless specifically excluded or covered by the scope of an existing order. The following products are outside of, and/or specifically excluded from, the scope of this investigation:

(1) Products clad, plated, or coated with metal, whether or not painted, varnished or

[1] *See Certain Carbon and Alloy Steel Cut-To-Length Plate from the Republic of Korea: Final Affirmative Countervailing Duty Determination and Final Negative Critical Circumstances Determination,* 82 FR 16341 (April 4, 2017) (*Final Determination*), and accompanying Issues and Decision Memorandum.

[2] *See* Letter from ITC concerning Carbon and Alloy Steel Cut-to-Length Plate from Austria, Belgium, France, Germany, Italy, Japan, Korea, and Taiwan, USITC Investigation Nos. 701–TA–561 and 731–TA–1317–1318, 1321–1325, and 1327 (Final), USITC Publication 701–560 (May 2017).

[3] *Id.*

[4] *See Certain Carbon and Alloy Steel Cut-to-Length Plate from the Republic of Korea: Preliminary Negative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination,* 81 FR 63168 (September 14, 2016) and accompanying Preliminary Determination Memorandum.

[5] *See Final Determination,* 82 FR at 16342.

coated with plastic or other non-metallic substances;

(2) military grade armor plate certified to one of the following specifications or to a specification that references and incorporates one of the following specifications:

- MIL–A–12560,
- MIL–DTL–12560H,
- MIL–DTL–12560J,
- MIL–DTL–12560K,
- MIL–DTL–32332,
- MIL–A–46100D,
- MIL–DTL–46100–E,
- MIL–46177C,
- MIL–S–16216K Grade HY80,
- MIL–S–16216K Grade HY100,
- MIL–S–24645A HSLA–80;
- MIL–S–24645A HSLA–100,
- T9074–BD–GIB–010/0300 Grade HY80,
- T9074–BD–GIB–010/0300 Grade HY100,
- T9074–BD–GIB–010/0300 Grade HSLA80,
- T9074–BD–GIB–010/0300 Grade HSLA100, and
- T9074–BD–GIB–010/0300 Mod. Grade HSLA115,

except that any cut-to-length plate certified to one of the above specifications, or to a military grade armor specification that references and incorporates one of the above specifications, will not be excluded from the scope if it is also dual- or multiple-certified to any other non-armor specification that otherwise would fall within the scope of this investigation;

(3) stainless steel plate, containing 10.5 percent or more of chromium by weight and not more than 1.2 percent of carbon by weight;

(4) CTL plate meeting the requirements of ASTM A–829, Grade E 4340 that are over 305 mm in actual thickness;

(5) Alloy forged and rolled CTL plate greater than or equal to 152.4 mm in actual thickness meeting each of the following requirements:

(a) Electric furnace melted, ladle refined & vacuum degassed and having a chemical composition (expressed in weight percentages):

- Carbon 0.23–0.28,
- Silicon 0.05–0.20,
- Manganese 1.20–1.60,
- Nickel not greater than 1.0,
- Sulfur not greater than 0.007,
- Phosphorus not greater than 0.020,
- Chromium 1.0–2.5,
- Molybdenum 0.35–0.80,
- Boron 0.002–0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm;

(b) With a Brinell hardness measured in all parts of the product including mid thickness falling within one of the following ranges:

(i) 270–300 HBW,
(ii) 290–320 HBW, or
(iii) 320–350HBW;

(c) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.5, B not exceeding 1.0, C not exceeding 0.5, D not exceeding 1.5; and

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 2 mm flat bottom hole;

(6) Alloy forged and rolled steel CTL plate over 407 mm in actual thickness and meeting the following requirements:

(a) Made from Electric Arc Furnace melted, Ladle refined & vacuum degassed, alloy steel with the following chemical composition (expressed in weight percentages):

- Carbon 0.23–0.28,
- Silicon 0.05–0.15,
- Manganese 1.20–1.50,
- Nickel not greater than 0.4,
- Sulfur not greater than 0.010,
- Phosphorus not greater than 0.020,
- Chromium 1.20–1.50,
- Molybdenum 0.35–0.55,
- Boron 0.002–0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm;

(b) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.5, B not exceeding 1.5, C not exceeding 1.0, D not exceeding 1.5;

(c) Having the following mechanical properties:

(i) With a Brinell hardness not more than 237 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 75ksi min and UTS 95ksi or more, Elongation of 18% or more and Reduction of area 35% or more; having charpy V at −75 degrees F in the longitudinal direction equal or greater than 15 ft. lbs (single value) and equal or greater than 20 ft. lbs (average of 3 specimens) and conforming to the requirements of NACE MR01–75; or

(ii) With a Brinell hardness not less than 240 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 90 ksi min and UTS 110 ksi or more, Elongation of 15% or more and Reduction of area 30% or more; having charpy V at −40 degrees F in the longitudinal direction equal or greater than 21 ft. lbs (single value) and equal or greater than 31 ft. lbs (average of 3 specimens);

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 3.2 mm flat bottom hole; and

(e) Conforming to magnetic particle inspection in accordance with AMS 2301;

(7) Alloy forged and rolled steel CTL plate over 407 mm in actual thickness and meeting the following requirements:

(a) Made from Electric Arc Furnace melted, ladle refined & vacuum degassed, alloy steel with the following chemical composition (expressed in weight percentages):

- Carbon 0.25–0.30,
- Silicon not greater than 0.25,
- Manganese not greater than 0.50,
- Nickel 3.0–3.5,
- Sulfur not greater than 0.010,
- Phosphorus not greater than 0.020,
- Chromium 1.0–1.5,
- Molybdenum 0.6–0.9,
- Vanadium 0.08 to 0.12
- Boron 0.002–0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm.

(b) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.0(t) and 0.5(h), B not exceeding 1.5(t) and 1.0(h), C not exceeding 1.0(t) and 0.5(h), and D not exceeding 1.5(t) and 1.0(h);

(c) Having the following mechanical properties: A Brinell hardness not less than 350 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 145ksi or more and UTS 160ksi or more, Elongation of 15% or more and Reduction of area 35% or more; having charpy V at −40 degrees F in the transverse direction equal or greater than 20 ft. lbs (single value) and equal or greater than 25 ft. lbs (average of 3 specimens);

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 3.2 mm flat bottom hole; and

(e) Conforming to magnetic particle inspection in accordance with AMS 2301.

At the time of the filing of the petition, there was an existing countervailing duty order on certain cut-to-length carbon-quality steel plate from Korea. *See Final Affirmative Countervailing Duty Determination: Certain Cut-to-Length Carbon-Quality Steel Plate From the Republic of Korea,* 64 FR 73,176 (Dep't Commerce Dec. 29, 1999), as amended, 65 FR 6,587 (Dep't Commerce Feb. 10, 2000) (1999 Korea CVD Order). The scope of the countervailing duty investigation with regard to cut-to-length plate from Korea covers only (1) subject cut-to-length plate not within the physical description of cut-to-length carbon quality steel plate in the 1999 Korea CVD Order regardless of producer or exporter, and (2) cut-to-length plate produced and/or exported by those companies that were excluded or revoked from the 1999 Korea CVD Order as of April 8, 2016. The only revoked or excluded company is Pohang Iron and Steel Company, also known as POSCO.

The products subject to the investigation are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7225.40.1110, 7225.40.1180, 7225.40.3005, 7225.40.3050, 7226.20.0000, and 7226.91.5000.

The products subject to the investigation may also enter under the following HTSUS item numbers: 7208.40.6060, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.19.1500, 7211.19.2000, 7211.19.4500, 7211.19.6000, 7211.19.7590, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7214.10.0000, 7214.30.0010, 7214.30.0080, 7214.91.0015, 7214.91.0060, 7214.91.0090, 7225.11.0000, 7225.19.0000, 7225.40.5110, 7225.40.5130, 7225.40.5160, 7225.40.7000, 7225.99.0010, 7225.99.0090, 7226.11.1000, 7226.11.9060, 7226.19.1000, 7226.19.9000, 7226.91.0500, 7226.91.1530, 7226.91.1560, 7226.91.2530, 7226.91.2560, 7226.91.7000, 7226.91.8000, and 7226.99.0180.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

[FR Doc. 2017–10756 Filed 5–24–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–817]

Certain Oil Country Tubular Goods From the Socialist Republic of Vietnam: Rescission of Antidumping Duty Administrative Review; 2015–2016

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

SUMMARY: The Department of Commerce (the Department) is rescinding the administrative review of the antidumping duty order on certain oil country tubular goods (OCTG) from the Socialist Republic of Vietnam (Vietnam) for the period of review (POR), September 1, 2015, through August 31, 2016.

DATES: Effective May 25, 2017.

FOR FURTHER INFORMATION CONTACT: Fred Baker, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–2924.

SUPPLEMENTARY INFORMATION:

Background

On September 8, 2016, the Department published in the **Federal Register** a notice of ''Opportunity to Request Administrative Review'' of the antidumping duty order on OCTG from Vietnam for the period of September 1, 2015, through August 31, 2016.[1] On September 30, 2016, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), the Department received a timely request from the petitioners to conduct an administrative review of the antidumping duty order on OCTG from Vietnam manufactured or exported by Hoa Phat Steel Pipe Co., Ltd., Hot Rolling Pipe Co., Ltd., SeAH Steel Corporation, SeAH Steel VINA Corporation, and Vina One Steel Manufacturing.[2]

On November 9, 2016, the Department published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order for Hoa Phat Steel Pipe Co., Ltd., Hot Rolling Pipe Co., Ltd., SeAH Steel Corporation, SeAH Steel VINA Corporation, and Vina One Steel Manufacturing.[3] On February 7, 2017, the petitioners timely withdrew their request for an administrative review for all companies under review.[4]

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review. The petitioners withdrew their request within the 90-day deadline. No other party requested an administrative review of the antidumping duty order. Therefore, in response to the timely withdrawal of the review request, the Department is rescinding in its entirety the administrative review of the antidumping duty order on OCTG from Vietnam.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as the only reminder to importers whose entries will be liquidated, as a result of this rescission, 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 may result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Order

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

This notice is published in accordance with sections 751(a) and 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: May 19, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–10726 Filed 5–24–17; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 81 FR 62096 (September 8, 2016).

[2] *See* Letter from Maverick Tube Corporation and United States Steel Corporation (petitioners) to the Secretary, Re: Oil Country Tubular Goods from the Socialist Republic of Vietnam: Request for Administrative Review, dated September 30, 2016.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 78778 (November 9, 2016).

[4] *See* Letter from the petitioners to the Secretary, Re: Oil Country Tubular Goods from Vietnam: Withdrawal of Review Request, dated February 7, 2017.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–552–813]

Steel Wire Garment Hangers From the Socialist Republic of Vietnam: Rescission of Countervailing Duty Administrative Review; 2016

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

SUMMARY: The Department of Commerce (the Department) is rescinding the administrative review of the countervailing duty order on steel wire garment hangers from the Socialist Republic of Vietnam (Vietnam) for the period January 1, 2016, through December 31, 2016.

DATES: Effective May 25, 2017.

FOR FURTHER INFORMATION CONTACT: Jolanta Lawska, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1503.

SUPPLEMENTARY INFORMATION:

Background

On April 10, 2017, based on a timely request for review by M&B Metal Products Company, Inc. (the petitioner),[1] the Department published in the **Federal Register** a notice of initiation of an administrative review of the countervailing duty order on steel wire garment hangers from Vietnam

[1] *See* Letter from M&B Metal Products Company, Inc., ''Steel Wire Garment Hangers from Vietnam: Request for Fourth Administrative Review,'' dated February 17, 2017.

covering the period January 1, 2016, through December 31, 2016.[2] The review covers 66 companies. On May 9, 2017, the petitioner withdrew its request for an administrative review on all 66 companies listed in the *Initiation Notice*.[3] No other party requested a review of these producers and/or exporters of subject merchandise.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review. In this case, the petitioner timely withdrew its request by the 90-day deadline, and no other party requested an administrative review of the countervailing duty order. As a result, pursuant to 19 CFR 351.213(d)(1), we are rescinding the administrative review of the countervailing duty order on steel wire garment hangers from Vietnam for the period January 1, 2016, through December 31, 2016, in its entirety.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties on all appropriate entries. Because the Department is rescinding this administrative review in its entirety, the entries to which this administrative review pertained shall be assessed countervailing duties at rates equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the publication of this notice in the **Federal Register**.

Notification Regarding Administrative Protective Orders

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: May 18, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–10725 Filed 5–24–17; 8:45 am]

BILLING CODE 3510–DS–P

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 17188 (April 10, 2017) (*Initiation Notice*). The Department inadvertently listed the period of review as January 1, 2016 through December 31, 2017, in the *Initiation Notice.*

[3] *See* Letter from the petitioner, ''Fourth Administrative Review of Steel Wire Garment Hangers from Vietnam—Petitioner's Withdrawal of Review Request,'' dated May 9, 2017.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF454

Notice of Availability of a Record of Decision

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

ACTION: Notice of availability; record of decision.

SUMMARY: In accordance with the Oil Pollution Act of 1990 (OPA) and the National Environmental Policy Act (NEPA), notice is hereby given that the Deepwater Horizon Federal and State natural resource trustee agencies for the Alabama Trustee Implementation Group (Alabama TIG) have issued a Record of Decision (ROD) for the Alabama Trustee Implementation Group Final Restoration Plan I and Final Environmental Impact Statement: Provide and Enhance Recreational Opportunities (Final RP/EIS). The ROD sets forth the basis for the Alabama TIG's decision to select Alternatives 1: Gulf State Park Lodge and Associated Public Access Amenities Project, 2: Fort Morgan Pier Rehabilitation, 5: Laguna Cove Little Lagoon Natural Resource Protection, 6: Bayfront Park Restoration and Improvement [E & D only], 7: Dauphin Island Eco-Tourism and Environmental Education Area, and 9: Mid-Island Parks and Public Beach Improvements [Parcels B & C].

ADDRESSES: *Obtaining Documents:* You may download the ROD at *http://www.gulfspillrestoration.noaa.gov.* Alternatively, you may request a CD of the ROD (see **FOR FURTHER INFORMATION CONTACT**). You may also view the document at any of the public facilities listed at *http://www.gulfspillrestoration.noaa.gov.*

FOR FURTHER INFORMATION CONTACT:

- NOAA—Dan Van Nostrand, *ALTIG.RecUsePlanComments@noaa.gov.*
- AL—Amy Hunter, *amy.hunter@dcnr.alabama.gov.*

SUPPLEMENTARY INFORMATION:

Background

On July 6, 2016, the Alabama TIG initiated a 30-day formal scoping and public comment period for this RP/EIS (81 FR 44007–44008) through a Notice of Intent (NOI) to Prepare a RP/EIS, and to Conduct Scoping. The Alabama TIG conducted the scoping in accordance with OPA (15 CFR 990.14(d)), NEPA (40 CFR 1501.7), and State authorities. That NOI requested public input to identify restoration approaches and restoration projects that could be used to compensate the public for lost recreational use opportunities in Alabama caused by the *Deepwater Horizon* oil spill in the Gulf of Mexico.

Notice of availability of the Draft RP/EIS was published in the **Federal Register** on December 16, 2016 (81 FR 91138). The Draft RP/EIS provided the Alabama TIG's analysis of projects to address lost recreational shoreline use under both OPA and NEPA and identified the projects that were proposed as preferred for implementation. The Alabama TIG provided the public with 45 days to review and comment on the Draft RP/EIS. The Alabama TIG also held public meetings in Dauphin Island, AL, and Gulf Shores, AL, to facilitate public understanding of the document and provide opportunity for public comment. The Alabama TIG actively solicited public input through a variety of mechanisms, including convening public meetings, distributing electronic communications, and using the Trustee-wide public Web site and database to share information and receive public input. The Alabama TIG considered the public comments received, which informed the Alabama TIG's analysis of alternatives in the Final RP/EIS. A summary of the public comments received and the Alabama TIG's responses to those comments are addressed in Chapter 9 of the Final RP/EIS and all correspondence received are provided Appendix B.

In the Final RP/EIS, the Alabama TIG presented to the public its plan for providing for compensation for lost recreational shoreline use in Alabama. The Final RP/EIS presented ten

individual restoration alternatives, including a no action alternative, evaluated in accordance with OPA and NEPA. The ten alternatives under the Final RP/EIS are as follows:

- *Alternative 1 (Preferred Alternative):* Gulf State Park Lodge and Associated Public Access Amenities
- *Alternative 2 (Preferred Alternative):* Fort Morgan Pier Rehabilitation
- *Alternative 3:* Fort Morgan Peninsula Public Access Improvements
- *Alternative 4:* Gulf Highlands Land Acquisition and Improvements
- *Alternative 5 (Preferred Alternative):* Laguna Cove Little Lagoon Natural Resource Protection
- *Alternative 6 (Preferred Alternative):* Bayfront Park Restoration and Improvements
- *Alternative 7 (Preferred Alternative):* Dauphin Island Eco-Tourism and Environmental Education Area
- *Alternative 8:* Mid-Island Parks and Public Beach Improvements (Parcels A, B, and C)
- *Alternative 9:* (Preferred Alternative): Mid-Island Parks and Public Beach Improvements (Parcels B and C)
- *Alternative 10:* No Action/Natural Recovery

A Notice of Availability of the Final RP/EIS was published in the **Federal Register** on April 14, 2017 (82 FR 17975). In the Final RP/EIS, the Alabama TIG presented its analysis of ten restoration alternatives (including the no action alternative) for addressing the loss of recreational shoreline use in Alabama as a result of the *Deepwater Horizon* oil spill and the selection of six of these alternatives for implementation.

As documented in the Record of Decision (ROD) signed on May 16, 2017, the Alabama TIG has: Reviewed the injury to natural resources and services caused by the *Deepwater Horizon* oil spill incident as outlined in the ''Deepwater Horizon Oil Spill: Final Programmatic Damage Assessment and Restoration Plan (PDARP) and Final Programmatic Environmental Impact Statement (PEIS)'', specifically the injury to recreational shoreline use in Alabama; analyzed alternatives to restore that injury; considered environmental impacts associated with the restoration alternatives, including the extent to which any adverse impacts could be mitigated; considered public and agency comments; and considered the funding allocations required for restoration. Based on these considerations, the ROD presents the Alabama TIG's decision to select Alternatives 1, 2, 5, 6, 7 and 9 for implementation. The AL TIG also concludes that all practicable means to avoid or minimize environmental harm from the alternatives selected have been adopted, and, where consultations are currently incomplete, the AL TIG will commit to additional minimization measures in forthcoming consultations.

Administrative Record

The documents included in the Administrative Record can be viewed electronically at the following location: *http://www.doi.gov/deepwaterhorizon/adminrecord.*

The DWH Trustees opened a publicly available Administrative Record for the NRDA for the *Deepwater Horizon* oil spill, including restoration planning activities, concurrently with publication of the 2011 Notice of Intent to Begin Restoration Scoping and Prepare a Gulf Spill Restoration Planning PEIS (pursuant to 15 CFR 990.45). The Administrative Record includes the relevant administrative records since its date of inception. This Administrative Record is actively maintained and available for public review, and includes the administrative record for the RP/EIS.

Authority: The authority of this action is the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*), the implementing NRDA regulations found at 15 CFR part 990, and NEPA (42 U.S.C. 4321 *et seq.*).

Dated: May 22, 2017.

Carrie Selberg,

Deputy Director, Office of Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 2017–10708 Filed 5–24–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF443

Meeting of the Columbia Basin Partnership Task Force of the Marine Fisheries Advisory Committee

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

ACTION: Notice of open public meeting.

SUMMARY: This notice sets forth the proposed schedule and agenda of a forthcoming meeting of the Marine Fisheries Advisory Committee's (MAFAC's) Columbia Basin Partnership Task Force (CBP Task Force). The CBP Task Force will discuss the issues outlined in the **SUPPLEMENTARY INFORMATION** below.

DATES: The meeting will be held June 27, 2017, from 8 a.m. to 3 p.m. and on June 28, 2017, from 8 a.m. to 4 p.m.

ADDRESSES: The meeting will be held at the Wenatchee Convention Center at the Stanley Civic Center, 121 North Wenatchee Avenue, Wenatchee, WA 98801.

FOR FURTHER INFORMATION CONTACT: Katherine Cheney; NFMS West Coast Region (503) 231–6730; email: *Katherine.Cheney@noaa.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given of a meeting of MAFAC's CBP Task Force. The MAFAC was established by the Secretary of Commerce (Secretary) and, since 1971, advises the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. The complete MAFAC charter and summaries of prior MAFAC meetings are located online at *http://www.nmfs.noaa.gov/ocs/mafac/.* The CBP Task Force reports to MAFAC and is being convened to discuss and develop recommendations for long-term goals to meet Columbia Basin salmon recovery, conservation needs, and harvest opportunities. These goals will be developed in the context of habitat capacity and other factors that affect salmon mortality. More information is available at the CBP Task Force Web page: *http://www.westcoast.fisheries.noaa.gov/columbia_river/index.html.*

Matters To Be Considered

The meeting time and agenda are subject to change. Updated information will be available on the CBP Task Force Web page above.

The meeting is convened to conduct the work of the CBP Task Force. Meeting topics include developing principles for quantitative goal setting, progress on applying the analytical framework to example species, and updates to the work plan. The meeting is open to the public as observers, and a public comment period will be provided on June 28, 2017, from 11:30 a.m.–12 p.m. to accept public input, limited to the time available.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Katherine Cheney; 503–231–6730, by June 12, 2017.

Dated: May 19, 2017

Jennifer Lukens,

Director for the Office of Policy, National Marine Fisheries Service.

[FR Doc. 2017–10732 Filed 5–24–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army

Advisory Committee on Arlington National Cemetery; Request for Nominations

AGENCY: Department of the Army, DoD.

ACTION: Notice; request for nominations.

SUMMARY: The Advisory Committee on Arlington National Cemetery is an independent Federal advisory committee chartered to provide the Secretary of Defense, through the Secretary of the Army, independent advice and recommendations on Arlington National Cemetery, including, but not limited to cemetery administration, the erection of memorials at the cemetery, and master planning for the cemetery. The Secretary of the Army may act on the Committee's advice and recommendations. The Committee is comprised of no more than nine (9) members. Subject to the approval of the Secretary of Defense, the Secretary of the Army appoints no more than seven (7) of these members. The purpose of this notice is to solicit nominations from a wide range of highly qualified persons to be considered for appointment to the Committee. Nominees may be appointed as members of the Committee and its sub-committees for terms of service ranging from one to four years. This notice solicits nominations to fill Committee membership vacancies that may occur through October 30, 2017. Nominees must be preeminent authorities in their respective fields of interest or expertise.

DATES: All nominations must be received (see **ADDRESSES**) no later than August 1, 2017.

ADDRESSES: Interested persons may submit a resume for consideration by the Department of the Army to the Committee's Designated Federal Officer at the following address: Advisory Committee on Arlington National Cemetery, ATTN: Designated Federal Officer (DFO) (Ms. Yates), Arlington National Cemetery, Arlington, VA 22211.

FOR FURTHER INFORMATION CONTACT: Ms. Renea C. Yates, Designated Federal Officer, by email at *renea.c.yates.civ@mail.mil* or by telephone 877–907–8585.

SUPPLEMENTARY INFORMATION: The Advisory Committee on Arlington National Cemetery was established pursuant to Title 10, United States Code Section 4723. The selection, service and appointment of members of the Committee are publicized in the Committee Charter, available on the Arlington National Cemetery Web site *http://www.arlingtoncemetery.mil/About/Advisory-Committee-on-Arlington-National-Cemetery/Charter.* The substance of the provisions of the Charter is as follows:

a. *Selection.* The Committee Charter provides that the Committee shall be comprised of no more than nine members, all of whom are preeminent authorities in their respective fields of interest or expertise. Of these, no more than seven members are nominated by the Secretary of the Army.

By direction of the Secretary of the Army, all resumes submitted in response to this notice will be presented to and reviewed by a panel of three senior Army leaders. Potential nominees shall be prioritized after review and consideration of their resumes for: Demonstrated technical/professional expertise; preeminence in a field(s) of interest or expertise; potential contribution to membership balance in terms of the points of view represented and the functions to be performed; potential organizational and financial conflicts of interest; commitment to our Nation's veterans and their families; and published points of view relevant to the objectives of the Committee. The panel will provide the DFO with a prioritized list of potential nominees for consideration by the Executive Director, Army National Military Cemeteries, in making an initial recommendation to the Secretary of the Army. The Executive Director, Army National Military Cemeteries; the Secretary of the Army; and the Secretary of Defense are not limited or bound by the recommendations of the Army senior leader panel. Sources in addition to this **Federal Register** notice may be utilized in the solicitation and selection of nominations.

b. *Service.* The Secretary of Defense may approve the appointment of a Committee member for a one-to-four year term of service; however, no member, unless authorized by the Secretary of Defense, may serve on the Committee or authorized subcommittee for more than two consecutive terms of service. The Secretary of the Army shall designate the Committee Chair from the total Advisory Committee membership. The Committee meets at the call of the DFO, in consultation with the Committee Chair. It is estimated that the Committee meets four times per year.

c. *Appointment.* The operations of the Committee and the appointment of members are subject to the Federal Advisory Committee Act (Pub. L. 92–463, as amended) and departmental implementing regulations, including Department of Defense Instruction 5105.04, Department of Defense Federal Advisory Committee Management Program, available at *http://www.dtic.mil/whs/directives/corres/pdf/510504p.pdf.* Appointed members who are not full-time or permanent part-time Federal officers or employees shall be appointed as experts and consultants under the authority of Title 5, United States Code Section 3109 and shall serve as special government employees. Committee members appointed as special government employees shall serve without compensation except that travel and per diem expenses associated with official Committee activities are reimbursable.

Additional information about the Committee is available on the Internet at: *http://www.arlingtoncemetery.mil/About/Advisory-Committee-on-Arlington-National-Cemetery/Charter.*

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017–10716 Filed 5–24–17; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Government-Industry Advisory Panel; Notice of Federal Advisory Committee Meeting

AGENCY: Office of the Under Secretary of Defense (Acquisition, Technology, and Logistics), Department of Defense (DoD).

ACTION: Federal advisory committee meeting notice.

SUMMARY: The Department of Defense is publishing this notice to announce the following Federal advisory committee meeting of the Government-Industry Advisory Panel. This meeting is open to the public.

DATES: The meeting will be held from 9:00 a.m. to 5:00 p.m. on Wednesday and Thursday, June 14 and 15, 2017. Public registration will begin at 8:45 a.m. on each day. For entrance into the meeting, you must meet the necessary requirements for entrance into the Pentagon. For more detailed information, please see the following link: *http://www.pfpa.mil/access.html.*

The panel will also hold a teleconference meeting with the same agenda to prepare for future meetings from 1:00 p.m. to 5:00 p.m. Eastern Standard Time on Wednesday, June 21, 2017. Teleconference and direct connect information will be provided by the Designated Federal Officer and support staff at the contact information in this notice.

ADDRESSES: Pentagon Library, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155. The meeting room will be displayed on the information screen for both days. The Pentagon Library is located in the Pentagon Library and Conference Center (PLC2) across the Corridor 8 bridge.

FOR FURTHER INFORMATION CONTACT: LTC Andrew Lunoff, Office of the Assistant Secretary of Defense (Acquisition), 3090 Defense Pentagon, Washington, DC 20301–3090, email: *andrew.s.lunoff.mil@mail.mil,* phone: 571–256–9004 or Peter Nash, email: *peter.b.nash3.ctr@mail.mil,* phone: 703–693–5111.

SUPPLEMENTARY INFORMATION:

Purpose of the Meetings: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (FACA) (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150. The Government-Industry Advisory Panel will review sections 2320 and 2321 of title 10, United States Code (U.S.C.), regarding rights in technical data and the validation of proprietary data restrictions and the regulations implementing such sections, for the purpose of ensuring that such statutory and regulatory requirements are best structured to serve the interest of the taxpayers and the national defense. The scope of the panel is as follows: (1) Ensuring that the Department of Defense (DoD) does not pay more than once for the same work, (2) Ensuring that the DoD contractors are appropriately rewarded for their innovation and invention, (3) Providing for cost-effective reprocurement, sustainment, modification, and upgrades to the DoD systems, (4) Encouraging the private sector to invest in new products, technologies, and processes relevant to the missions of the DoD, and (5) Ensuring that the DoD has appropriate access to innovative products, technologies, and processes developed by the private sector for commercial use.

Agenda: This will be the seventeenth meeting of the Government-Industry Advisory Panel and continued recurring teleconference meetings. The panel will cover details of 10 U.S.C. 2320 and 2321, begin understanding the implementing regulations and detail the necessary groups within the private sector and government to provide supporting documentation for their review of these codes and regulations during follow-on meetings. Agenda items for this meeting will include the following: (1) Final review of tension point information papers; (2) Rewrite FY17 NDAA 2320 and 2321 language; (3) Review Report Framework and Format for Publishing; (4) Comment Adjudication & Planning for follow-on meeting.

Availability of Materials for the Meeting: A copy of the agenda or any updates to the agenda for the June 14–15 and 21 meetings will be available as requested or at the following site: *https://database.faca.gov/committee/meetings.aspx?cid=2561.* It will also be distributed upon request.

Minor changes to the agenda will be announced at the meeting. All materials will be posted to the FACA database after the meeting.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Registration of members of the public who wish to attend the meeting will begin upon publication of this meeting notice and end three business days (June 9) prior to the start of the meeting. All members of the public must contact LTC Lunoff or Mr. Nash at the phone number or email listed in the **FOR FURTHER INFORMATION CONTACT** section to make arrangements for Pentagon escort, if necessary. Public attendees should arrive at the Pentagon's Visitor's Center, located near the Pentagon Metro Station's south exit and adjacent to the Pentagon Transit Center bus terminal with sufficient time to complete security screening no later than 8:30 a.m. on June 14–15. To complete security screening, please come prepared to present two forms of identification of which one must be a pictured identification card. Government and military DoD CAC holders are not required to have an escort, but are still required to pass through the Visitor's Center to gain access to the Building. Seating is limited and is on a first-to-arrive basis. Attendees will be asked to provide their name, title, affiliation, and contact information to include email address and daytime telephone number to the Designated Federal Officer (DFO) listed in the **FOR FURTHER INFORMATION CONTACT** section. Any interested person may attend the meeting, file written comments or statements with the committee, or make verbal comments from the floor during the public meeting, at the times, and in the manner, permitted by the committee.

Special Accommodations: The meeting venue is fully handicap accessible, with wheelchair access.

Individuals requiring special accommodations to access the public meeting or seeking additional information about public access procedures, should contact LTC Lunoff, the committee DFO, or Mr. Nash at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section, at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the Government-Industry Advisory Panel about its mission and/or the topics to be addressed in this public meeting. Written comments or statements should be submitted to LTC Lunoff, the committee DFO, via electronic mail, the preferred mode of submission, at the email address listed in the **FOR FURTHER INFORMATION CONTACT** section in the following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, and daytime telephone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the committee DFO at least five (5) business days prior to the meeting so that they may be made available to the Government-Industry Advisory Panel for its consideration prior to the meeting. Written comments or statements received after this date may not be provided to the panel until its next meeting. Please note that because the panel operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

Verbal Comments: Members of the public will be permitted to make verbal comments during the meeting only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three (3) business days in advance to the

committee DFO, via electronic mail, the preferred mode of submission, at the email address listed in the **FOR FURTHER INFORMATION CONTACT** section. The committee DFO will log each request to make a comment, in the order received, and determine whether the subject matter of each comment is relevant to the panel's mission and/or the topics to be addressed in this public meeting. A 30-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described in this paragraph, will be allotted no more than five (5) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO.

Dated: May 22, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–10707 Filed 5–24–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0070]

Agency Information Collection Activities; Comment Request; Report of Randolph-Sheppard Vending Facility Program

AGENCY: Office of Special Education and Rehabilitative Services, 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 July 24, 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–0070. 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 226–62, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Tara Jordan, 202–245–7341.

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: Report of Randolph-Sheppard Vending Facility Program.

OMB Control Number: 1820–0009.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 51.

Total Estimated Number of Annual Burden Hours: 689.

Abstract: The Vending Facility Program authorized by the Randolph-Sheppard Act provides persons who are blind with remunerative employment and self-support through the operation of vending facilities on federal and other property. Under the Randolph Sheppard Program, state licensing agencies recruit, train, license and place individuals who are blind as operators of vending facilities (including cafeterias, snack bars, vending machines, etc.) located on federal and other properties. In statute at 20 U.S.C. 107a(6)(a), the Secretary of Education is directed through the Commissioner of the Rehabilitation Services Administration (RSA) to conduct periodic evaluations of the programs authorized under the Randolph-Sheppard Act. Additionally, section 107b(4) requires entities designated as the state licensing agency to make such reports in such form and containing such information as the Secretary may from time to time require. The information to be collected is a necessary component of the evaluation process and forms the basis for annual reporting. These data are also used to understand the distribution type and profitability of vending facilities throughout the country. Such information is useful in providing technical assistance to state licensing agencies and property managers. The Code of Federal Regulations, at 34 CFR 395.8, specifies that vending machine income received by the state from federal property managers can be distributed to blind vendors in an amount not to exceed the national average income for blind vendors. This amount is determined through data collected using RSA–15: Report of Randolph-Sheppard Vending Facility Program. In addition, the collection of information ensures the provision and transparency of activities referenced in 34 CFR 395.12 related to disclosure of program and financial information.

The following changes are found in the revised information collection (IC) RSA–15: Report of Randolph-Sheppard Vending Facility Program. At the end of the reporting form, a text box was added for notes or explanations. The instructions were modified accordingly to accommodate these changes in the form and to clarify information.

Dated: May 19, 2017.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–10682 Filed 5–24–17; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2016–0729; FRL–9956–51]

Registration Review Proposed Interm Decisions for Aldicarb, Azoxystrobin, Bifenazate, Chlorpyrifos-methyl, Ethalfluralin, and Pirimiphos-methyl; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's proposed interim registration review decisions and opens a 60-day public comment period on the proposed interim decisions. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, that the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

DATES: Comments must be received on or before July 24, 2017.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number for the specific pesticide of interest provided in the table in Unit II, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For pesticide specific information, contact:* The Chemical Review Manager for the pesticide of interest identified in the table in Unit II.

For general information on the registration review program, contact: Richard Dumas, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8015; email address: *dumas.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager for the pesticide of interest identified in the table in Unit II.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. What action is the agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's proposed interim registration review decisions for the pesticides shown in the following table, and opens a 60-day public comment period on the proposed interim decisions.

TABLE 1—REGISTRATION REVIEW PROPOSED INTERIM DECISIONS BEING ISSUED

Registration review case name and number	Docket ID number	Chemical review manager and contact information
Aldicarb, Case 0140	EPA–HQ–OPP–2012–0161	Susan Bartow, *bartow.susan@epa.gov,* (703) 603–0065.
Azoxystrobin, Case 7020	EPA–HQ–OPP–2009–0835	Veronica Dutch, *dutch.veronica@epa.gov,* (703) 308–8585.
Bifenazate, Case 7609	EPA–HQ–OPP–2012–0633	Garland Waleko, *waleko.garland@epa.gov,* (703) 308–8049 and Stephen Savage *savage.stephen@epa.gov,* (703) 347–0345.
Chlorpyrifos-methyl, Case 8011	EPA–HQ–OPP–2010–0199	Matthew Manupella, *manupella.matthew@epa.gov,* (703) 347–0411.
Ethalfluralin, Case 2260	EPA–HQ–OPP–2011–0094	James Parker, *parker.james@epa.gov,* (703) 306–0469.
Pirimiphos-methyl, Case 2535	EPA–HQ–OPP–2009–0056	Caitlin Newcamp, *newcamp.caitlin@epa.gov,* (703) 347–0325.

The registration review docket for a pesticide includes earlier documents related to the registration review case. For example, the review opened with a Summary Document, containing a Preliminary Work Plan, for public comment. A Final Work Plan was placed in the docket following public comment on the Preliminary Work Plan.

The documents in the dockets describe EPA's rationales for conducting additional risk assessments for the registration review of the pesticides included in the table in Unit II, as well as the Agency's subsequent risk findings and consideration of possible risk mitigation measures. These proposed interim registration review decisions are supported by the rationales included in those documents.

Following public comment, the Agency will issue interim or final registration review decisions for the pesticides listed in the table in Unit II.

The registration review program is being conducted under congressionally mandated time frames, and EPA

recognizes the need both to make timely decisions and to involve the public. Section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136a(g)) required EPA to establish by regulation procedures for reviewing pesticide registrations, originally with a goal of reviewing each pesticide's registration every 15 years to ensure that a pesticide continues to meet the FIFRA standard for registration. The Agency's final rule to implement this program was issued in August 2006 and became effective in October 2006, and appears at 40 CFR part 155, subpart C. The Pesticide Registration Improvement Act of 2003 (PRIA) was amended and extended in September 2007. FIFRA, as amended by PRIA in 2007, requires EPA to complete registration review decisions by October 1, 2022, for all pesticides registered as of October 1, 2007.

The registration review final rule at 40 CFR 155.58(a) provides for a minimum 60-day public comment period on all proposed interim registration review decisions. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the proposed interim decision. All comments should be submitted using the methods in **ADDRESSES**, and must be received by EPA on or before the closing date. These comments will become part of the docket for the pesticides included in the table in Unit II. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and may provide a ''Response to Comments Memorandum'' in the docket. The interim registration review decision will explain the effect that any comments had on the interim decision and provide the Agency's response to significant comments.

Background on the registration review program is provided at: *http://www.epa.gov/pesticide-reevaluation.*

Authority: 7 U.S.C. 136 *et seq.*

Dated: January 3, 2017.

Yu-Ting Guilaran,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2017–10669 Filed 5–24–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0011; FRL–9958–19]

Registration Review; Neonicotinoid Risk Assessments; Summary Response to Comments, and Updated Neonicotinoid Work Schedule; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of the aquatic ecological assessment for imidacloprid, the combined preliminary pollinator risk assessment for clothianidin and thiamethoxam, and the draft bee assessment for dinotefuran, and opens a public comment period on these three assessment documents. This notice also announces the availability of EPA's Registration Review Update for Four Neonicotinoid Insecticides. The Registration Review Update describes the next steps and information needs for the Agency's registration review of the neonicotinoids. This notice also announces the availability of a summary document that responds to certain comments received on the Preliminary Pollinator Assessment for imidacloprid, issued in January 2016. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific knowledge.

DATES: Comments must be received on or before July 24, 2017.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number for the specific pesticide of interested provided in Table 1 of Unit III., by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For pesticide specific information contact:* The Chemical Review Manager for the pesticide of interest identified in Table 1 of Unit III.

For general questions on the registration review program, contact: Richard Dumas, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8015; email address: *dumas.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager identified in Table 1 of Unit III.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at

http://www.epa.gov/dockets/comments.html.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Authority

EPA is conducting its registration review of the chemicals listed in Table 1 of Unit III pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

III. Registration Reviews

As directed by FIFRA section 3(g), EPA is reviewing the pesticide registration for the pesticides listed in Table 1 to ensure that they continue to satisfy the FIFRA standard for registration, that is, that these chemicals can still be used without unreasonable adverse effects on human health or the environment.

TABLE 1—CHEMICALS FOR WHICH ASSESSMENTS ARE BEING MADE AVAILABLE FOR PUBLIC COMMENT

Registration review case name and number	Docket ID number	Chemical review manager and contact information
Clothianidin 7620	EPA–HQ–OPP–2011–0865	Ricardo Jones, *jones.ricardo@epa.gov*, 703–347–0493.
Dinotefuran 7441	EPA–HQ–OPP–2011–0920	Steven Snyderman, *snyderman.steven@epa.gov*, 703–347–0249.
Imidacloprid 7605	EPA–HQ–OPP–2008–0844	Ricardo Jones, *jones.ricardo@epa.gov*, 703–347–0493.
Thiamethoxam 7614	EPA–HQ–OPP–2011–0581	Thomas Harty, *harty.thomas@epa.gov*, 703–347–0338.

Pursuant to 40 CFR 155.53(c), EPA is providing an opportunity, through this notice of availability, for interested parties to provide comments and input concerning the Agency's ecological assessments for the chemicals listed in Table 1. Such comments and input could address, among other things, the Agency's risk assessment methodology and assumptions applied to its draft risk assessments, such as its methodology for estimating colony-level risk to bees from exposure to bee bread. The Agency will then issue updated assessments, and address public comments.

1. *Other related information.* Additional information on the registration review status of the chemicals listed in Table 1, as well as information on the Agency's registration review program and on its implementing regulation is available at *http://www.epa.gov/pesticide-reevaluation.*

2. *Information submission requirements.* Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.
- The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.
- Submitters must clearly identify the source of any submitted data or information.
- Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

Authority: 7 U.S.C. 136 *et seq.*

Dated: February 2, 2017.

Yu-Ting Guilaran,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2017–10755 Filed 5–24–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0794; FRL–9956–99]

Registration Review; Draft Human Health and/or Ecological Risk Assessments; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's draft human health and ecological risk assessments for the registration review of chlorethoxyfos and the draft human health risk assessments for the registration review of diazinon and phosmet, and opens a public comment period on these documents. Due a docketing error for the phosmet draft risk assessment issued in a previous **Federal Register** notice, this notice is announcing the availability of the phosmet in order to give the public a full opportunity for review and comment. The Agency in this **Federal Register** notice, is initiating a 60-day comment period for phosmet.

Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed comprehensive draft human health and ecological risk assessments for the registration review of chlorethoxyfos and the draft human health risk assessments for the registration review of diazinon and phosmet for all uses of these pesticides. After reviewing comments received during the public comment period, EPA may issue a revised risk assessment, explain any changes to the draft risk assessment, and respond to comments and may request public input on risk mitigation before completing a proposed registration review decision for chlorethoxyfos, diazinon, and phosmet. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

DATES: Comments must be received on or before July 24, 2017.

ADDRESSES: Submit your comments, docket identification (ID) number EPA–HQ–OPP–2015–0794, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For pesticide specific information contact:* The Chemical Review Manager for the pesticide of interest identified in Table 1 of Unit III.

For general questions on the registration review program, contact: Richard Dumas, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8015; email address: *dumas.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager identified in Table 1 of Unit III.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Authority

EPA is conducting its registration review of chlorethoxyfos, diazinon, and phosmet pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

III. Registration Reviews

As directed by FIFRA section 3(g), EPA is reviewing the pesticide registration for the pesticides listed in Table 1 to ensure that it continues to satisfy the FIFRA standard for registration—that is, that these chemicals can still be used without unreasonable adverse effects on human health or the environment.

TABLE 1—CHEMICALS FOR WHICH DRAFT RISK ASSESSMENTS BEING MADE AVAILABLE FOR PUBLIC COMMENT

Registration review case name and number	Docket ID number	Contact and contact information
Chlorethoxyfos, 7410	EPA–HQ–OPP–2008–0843	Caitlin Newcamp, *newcamp.caitlin@epa.gov*, 703–347–0325.
Diazinon, 0238	EPA–HQ–OPP–2008–0351	Khue Nguyen, *nguyen.khue@epa.gov*, 703–347–0248.
Phosmet, 0242	EPA–HQ–OPP–2009–0316	Maria Piansay, *piansay.maria@epa.gov*, 703–308–8063.

Pursuant to 40 CFR 155.53(c), EPA is providing an opportunity, through this notice of availability, for interested parties to provide comments and input concerning the Agency's draft human health and ecological risk assessments for the registration review of chlorethoxyfos and the draft human health risk assessments for registration review of diazinon and phosmet. Such comments and input could address, among other things, the Agency's risk assessment methodologies and assumptions, as applied to a draft risk assessment. The Agency will consider all comments received during the public comment period and make changes, as appropriate, to a draft human health and/or ecological risk assessment. EPA may then issue a revised risk assessment, explain any changes to the draft risk assessment, and respond to comments. In the **Federal Register** notice announcing the availability of the revised risk assessment, if the revised risk assessment indicates risks of concern, the Agency may provide a comment period for the public to submit suggestions for mitigating the risk identified in the risk assessment before developing a proposed registration review decision on chlorethoxyfos, diazinon, and phosmet. The Agency is re-issuing phosmet draft risk assessment in this **Federal Register** notice, initiating a 60-day comment period for phosmet.

1. *Other related information.* Additional information on the registration review status of the chemicals listed in Table 1 of Unit III, as well as information on the Agency's registration review program and on its implementing regulation is available at *http://www.epa.gov/pesticide-reevaluation.*

2. *Information submission requirements.* Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.
- The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English, and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.
- Submitters must clearly identify the source of any submitted data or information.
- Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

Authority: 7 U.S.C. 136 *et seq.*

Dated: December 21, 2016.

Yu-Ting Guilaran,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

EDITORIAL NOTE: The Office of the Federal Register received this document on May 22, 2017.

[FR Doc. 2017–10753 Filed 5–24–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0393; FRL–9952–83]

Registration Review Interim Decisions; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's interim registration review decisions for 2-(Decylthio)ethanamine Hydrochloride, DTEA–HCl; Aliphatic Alcohols, C1–C5; Bentazon; Chlorfenapyr; Propoxur; Propoxycarbazone-sodium; Sodium Acifluorfen; and Thidiazuron. The Agency is also amending the interim registration review decision for Maleic Hydrazide. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, that the pesticide can perform its intended function without causing unreasonable adverse effects on human health or the environment. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

FOR FURTHER INFORMATION CONTACT:

For pesticide specific information, contact: The Chemical Review Manager for the pesticide of interest identified in Table 1 of Unit II.

For general information on the registration review program, contact: Richard Dumas, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8015; email address: *dumas.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager identified in Table 1 of Unit II.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2015–0393, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What action is the Agency taking?

Pursuant to 40 CFR 155.58(c), this notice announces the availability of EPA's interim registration review decisions for chemicals listed in Table 1.

Pursuant to 40 CFR 155.57, a registration review decision is the Agency's determination whether a pesticide meets, or does not meet, the

standard for registration in FIFRA. EPA has considered the chemicals listed in Table 1 in light of the FIFRA standard for registration. For the chemicals listed in Table 1, the Interim Decision documents in the docket describes the Agency's rationale for issuing a registration review interim decision for these pesticides.

In addition to the interim registration review decision documents, the registration review docket for the chemicals listed in Table 1 also includes other relevant documents related to the registration review of these cases. The proposed interim registration review decisions were posted to the docket and the public was invited to submit any comments or new information.

TABLE 1—DECISIONS BEING ISSUED OR AMENDED

Registration review case name and number	Docket ID number	Chemical review manager and contact information
2-(Decylthio)ethanamine Hydrochloride, DTEA–HCl, 5029.	EPA–HQ–OPP–2009–0336	SanYvette Williams, *Williams.sanyvette@epa.gov,* 703–305–7702.
Aliphatic Alcohols, C1–C5, 4003	EPA–HQ–OPP–2012–0340	SanYvette Williams, *Williams.sanyvette@epa.gov,* 703–305–7702.
Bentazon, 0182	EPA–HQ–OPP–2010–0117	Moana Appleyard, *Appleyard.moana@epa.gov,* 703–308–8175.
Chlorfenapyr, 7419	EPA–HQ–OPP–2010–0467	Margaret Hathaway, *hathaway.margaret@.epa.gov,* 703–305–5076.
Maleic Hydrazide, 0381	EPA–HQ–OPP–2009–0387	Ricardo Jones, *jones.ricardo@epa.gov,* 703–347–0493.
Propoxur, 2555	EPA–HQ–OPP–2009–0806	Brittany Pruitt, *pruitt.brittany@epa.gov,* 703–347–0289.
Propoxycarbazone-sodium, 7264	EPA–HQ–OPP–2015–0095	Marianne Mannix, *Mannix.marianne@epa.gov,* 703–347–0275.
Sodium Acifluorfen, 2605	EPA–HQ–OPP–2010–0135	Nathan Sell, *sell.nathan@epa.gov,* (703) 347–8020.
Thidiazuron, 4092	EPA–HQ–OPP–2015–0381	Christina Motilall, *motilall.christina@epa.gov,* 703–603–0522.

EPA addresses the comments or information received during the 60-day comment period in the discussion for each pesticide listed in Table 1. From the 60-day comment period, public comments received may or may not affect the Agency's interim decision.

Pursuant to 40 CFR 155.58(c), the registration review case docket for the chemicals listed in Table 1 will remain open until all actions required in the interim decision have been completed.

Background on the registration review program is provided at: *http://www.epa.gov/pesticide-reevaluation.* Earlier documents related to the registration review of a pesticide are provided in the chemical specific dockets listed in Table 1.

Authority: 7 U.S.C. 136 *et seq.*

Dated: January 11, 2017.

Yu-Ting Guilaran,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2017–10671 Filed 5–24–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0794; FRL–9957–98]

Registration Review; Draft Human Health and/or Ecological Risk Assessment(s), and Final Tetrachlorvinphos Occupational and Residential Exposure Risk Assessment, and the Agency's Decision To Rely on Data From Human Health Research; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's draft human health and ecological risk assessments for the registration review of bromacil, cyprodinil, and propamocarb; the draft human health risk assessment for the registration review of cyphenothrin; and the draft ecological risk assessment for the registration review of 2, 4–D, and opens a public comment period on these documents. This notice also announces the availability of EPA's final occupational and residential exposure assessment for the registration review of tetrachlorvinphos (TCVP) and EPA's explanation for relying on TCVP data from human research on TCVP exposure from pet collars. The TCVP draft risk assessments were published for a 60-day public comment period in the **Federal Register** of January 20, 2016 (81 FR 3128) (FRL–9940–81). Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration; that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed comprehensive draft human health and draft ecological risk assessments for the registration review of bromacil, cyprodinil, and propamocarb; the draft human health risk assessment for the registration review of cyphenothrin; the final occupational and residential exposure assessment for TCVP; and the draft ecological risk assessment for the registration review of 2, 4–D. After reviewing comments received during the public comment period for all pesticide cases named above (excluding TCVP), EPA may issue a revised risk assessment, explain any changes to the draft risk assessment, and respond to comments and may request public input on risk mitigation before completing a proposed registration review decision for the pesticides identified above. Regarding TCVP, the EPA has published a revised human health and final occupational and residential exposure assessment in addition to response to comments and other support documents, which explain changes to the preliminary risk assessments and responds to substantive comments. Through the registration review program, the EPA is ensuring that each pesticide's registrations are based on current scientific and other knowledge, including its effects on human health and the environment.

DATES: Comments must be received on or before July 24, 2017.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2015–0794, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For pesticide specific information contact: The Chemical Review Manager for the pesticide of interest identified in Tables 1 and II of Unit III.

For general questions on the registration review program, contact: Richard Dumas, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8015; email address: *dumas.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager identified in Tables 1 and II of Unit III.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Authority

EPA is conducting its registration review of the chemicals listed in Tables 1 and II of Unit III pursuant to section 3(g) of the FIFRA and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

III. Registration Reviews

As directed by FIFRA section 3(g), EPA is reviewing the pesticide registration for the pesticides listed in Tables 1 and 2 to ensure that they continue to satisfy the FIFRA standard for registration—that is, that these chemicals can still be used without unreasonable adverse effects on human health or the environment.

TABLE 1—DRAFT RISK ASSESSMENTS BEING MADE AVAILABLE FOR PUBLIC COMMENT

Registration review case name and number	Docket ID number	Contact and contact information
2,4–D 0073	EPA–HQ–OPP–2012–0330	Brittany Pruitt, *pruitt.brittany@epa.gov* (703) 347–0289.
Bromacil 0041	EPA–HQ–OPP–2012–0445	Steven Snyderman, *snyderman.steven@epa.gov* (703) 347–0249.
Cyphenothrin 7412	EPA–HQ–OPP–2009–0842	Margaret Hathaway, *hathaway.margaret@epa.gov* (703) 305–5076.
Cyprodinil 7025	EPA–HQ–OPP–2011–1008	Leigh Rimmer, *rimmer.leigh@epa.gov* (703) 347–0553.
Propamocarb 3124	EPA–HQ–OPP–2011–0662	Christina Scheltema, *scheltema.christina@epa.gov* (703) 308–2201.

TABLE 2—FINAL OCCUPATIONAL AND RESIDENTIAL EXPOSURE ASSESSMENT BEING MADE AVAILABLE (NO PUBLIC COMMENT PERIOD)

Registration review case name and number	Docket ID number	Contact and contact information
Tetrachlorvinphos (TCVP) 0321	EPA–HQ–OPP–2008–0316	James Parker, *parker.james@epa.gov* (703) 306–0469.

Pursuant to 40 CFR 155.53(c), EPA is providing an opportunity, through this notice of availability, for interested parties to provide comments and input concerning the Agency's draft human health and ecological risk assessments for the registration review of bromacil, cyprodinil, and propamocarb; the draft human health risk assessment for cyphenothrin; and the draft ecological risk assessment for the registration review of 2, 4–D. Such comments and input could address, among other things, the Agency's risk assessment methodologies and assumptions, as applied to a draft risk assessment. The Agency will consider all comments received during the public comment period and make changes, as appropriate, to a draft human health and/or ecological risk assessment. EPA

may then issue a revised risk assessment, explain any changes to the draft risk assessment, and respond to comments. In the **Federal Register** notice announcing the availability of the revised risk assessment, if the revised risk assessment indicates risks of concern, the Agency may provide a comment period for the public to submit suggestions for mitigating the risk identified in the revised risk assessment before developing a proposed registration review decision on the pesticides identified above.

As directed by FIFRA section 3(g), EPA is also reviewing the pesticide registration for TCVP to ensure that it continues to satisfy the FIFRA standard for registration—that is, that TCVP can still be used without unreasonable adverse effects on human health or the environment. TCVP is an organophosphate (OP) insecticide used to control fleas, ticks, flies, lice, and insect larvae on livestock and domestic animals and their premises. TCVP is also applied as a perimeter treatment. TCVP is formulated into dusts, pet collars, emulsifiable concentrates, feed additives (solid and liquid), feed blocks, wettable powders, pellets and granular products. This **Federal Register** notice is announcing that the EPA has published the final registration review TCVP occupational and residential exposure risk assessment for all TCVP uses.

The final TCVP registration review occupational and residential exposure risk assessment incorporates several changes, including a reduction of the oral toxicological point of departure (POD) from 8.0 milligram/kilogram/day (mg/kg/day) to 2.8 mg/kg/day; the use of human research data (Davis, M. et al.,) ''*Assessing Intermittent Pesticide Exposure from Flea Control Collars Containing the Organophosphorus Insecticide Tetrachlorvinphos*'' to assess residential post-application exposure; and an approach to account for the potential release of TCVP from pet collar products as a liquid and solid form concurrently.

In addition to the final occupational and residential exposure assessment, the registration review docket for TCVP also includes other relevant documents related to the registration review of this case. The preliminary registration review assessments were previously posted to the published in the **Federal Register** of January 20, 2016 for a 60-day comment period, during which time the public was invited to submit comments or new information.

During the 60-day comment period, comments were received from Bayer HealthCare (Bayer), The Hartz Mountain Corporation (Hartz), the Center for Biological Diversity (CBD), United States Department of Agriculture (USDA), Natural Resources Defense Council (NRDC) and the general public. The EPA's response to comments on the registration review preliminary risk assessments can be assessed in the TCVP docket (EPA–HQ–OPP–2008–0316) at *www.regulations.gov.*

In compliance with EPA's rule for protection of human subjects, specifically 40 CFR 26.1706(d), EPA is hereby publishing its full explanation of the Agency's decision to rely on data from human research ''*Assessing Intermittent Pesticide Exposure From Flea Control Collars Containing the Organophosphorus Insecticide Tetrachlorvinphos (TCVP)* by M. Keith Davis, J. Scott Boone, John E. Moran, John W. Tyler and Janice E. Chambers) on TCVP exposure from pet collars. Relying on this data is crucial to EPA's decision that more stringent regulatory restrictions are necessary to protect public health than could be justified without the data. EPA's full explanation can be found at regulations.gov in docket number EPA–HQ–OPP–2008–0316, and on OPP's Web page at *https://www.epa.gov/ingredients-used-pesticide-products/use-tetrachlorvinfos-exposure-data-human-research.*

1. *Other related information.* Additional information on the registration review status of the chemicals listed in Tables 1 and 2 of Unit III, as well as information on the Agency's registration review program and on its implementing regulation is available at *http://www.epa.gov/pesticide-reevaluation.*

2. *Information submission requirements.* Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.
- The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.
- Submitters must clearly identify the source of any submitted data or information.
- Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

Authority: 7 U.S.C. 136 *et seq.*

Dated: January 13, 2017.

Yu-Ting Guilaran,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2017–10754 Filed 5–24–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0879; FRL–9961–76]

Environmental Modeling Public Meeting; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: An Environmental Modeling Public Meeting (EMPM) will be held on Wednesday, June 28, 2017. This Notice announces the location and time for the meeting and provides tentative agenda topics. The EMPM provides a public forum for EPA and its stakeholders to discuss current issues related to modeling pesticide fate, transport, and exposure for pesticide risk assessments in a regulatory context.

DATES: The meeting will be held on June 28, 2017 from 9:00 a.m. to 4:30 p.m. Requests to participate in the meeting must be received on or before June 5, 2017.

To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATON CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at the Environmental Protection Agency, Office of Pesticide Programs (OPP), One Potomac Yard (South Building), First Floor Conference Center (S–1200), 2777 S. Crystal Drive, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Stephen Wente or Jessica Joyce, Environmental Fate and Effects Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–0001 and (703) 347–8191; fax number: (703) 305–0204; email address: *wente.stephen@epa.gov* and *joyce.jessica@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are required to conduct testing of chemical substances under the Toxic Substances Control Act (TSCA), the Federal Food, Drug, and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Agriculture, Forestry, Fishing and Hunting NAICS code 11.
- Utilities NAICS code 22.
- Professional, Scientific and Technical NAICS code 54.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2009–0879, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Background

On a biannual interval, an Environmental Modeling Public Meeting is held for presentation and discussion of current issues related to modeling pesticide fate, transport, and exposure for risk assessment in a regulatory context. Meeting dates and abstract requests are announced through the ''empmlist'' forum on the LYRIS list server at *https://lists.epa.gov/read/all_forums/.*

III. How can I request to participate in this meeting?

You may submit a request to participate in this meeting to the person listed under **FOR FURTHER INFORMATION CONTACT**. Do not submit any information in your request that is considered Confidential Business Information (CBI). Requests to participate in the meeting, identified by docket ID number EPA–HQ–OPP–2009–0879, must be received on or before June 5, 2017.

IV. Tentative Theme for the Meeting

Subsurface Metabolism: Groundwater modeling conducted as part of the pesticide registration and re-evaluation processes typically assumes that biologically mediated metabolism does not occur at depths greater than 1 meter. The focus of this EMPM meeting concerns evidence of subsurface metabolism in groundwater, methods for measuring subsurface metabolism, and how to parameterize models to account for subsurface metabolism. As always, other timely topics beyond subsurface metabolism will be considered as time limits allow.

Authority Code: 7 U.S.C. 136 *et seq.*

Dated: April 20, 2017.

Marietta Echeuerria,

Director, Environmental Fate and Effects Division, Office of Pesticide Programs.

[FR Doc. 2017–10760 Filed 5–24–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2015–0765; FRL–9963–10–ORD]

Request for Nominations of Experts to the EPA Office of Research and Development's Board of Scientific Counselors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is seeking nominations for technical experts to serve on its Board of Scientific Counselors (BOSC), a federal advisory committee to the Office of Research and Development (ORD). Submission of nominations is preferred via the BOSC Web site at: *https://www.epa.gov/bosc.*

DATES: Nominations should be submitted by June 30, 2017, per instructions below.

FOR FURTHER INFORMATION CONTACT: Any member of the public needing additional information regarding this Notice and Request for Nominations may contact Mr. Tom Tracy, Office of Science Policy, Office of Research and Development, Mail Code 8104–R, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; via phone/voice mail at: (202) 564–6518; via fax at: (202) 565–2911; or via email at: *tracy.tom@epa.gov.* General information concerning the BOSC can be found at the following Web site: *https://www.epa.gov/bosc.*

SUPPLEMENTARY INFORMATION:

Background

The BOSC is a chartered Federal Advisory Committee that was established by the EPA to provide independent scientific and technical peer review, advice, consultation, and recommendations about ORD. As a Federal Advisory Committee, the BOSC conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations.

The BOSC is comprised of an Executive Committee and five supporting subcommittees. The subcommittees focus on ORD's research programs: Air, Climate, and Energy Research Program; Chemical Safety for Sustainability Research Program and Human Health Risk Assessment Program; Homeland Security Research Program; Safe and Sustainable Water Resources Research Program; and Sustainable and Healthy Communities Research Program. Please visit *https://www.epa.gov/aboutepa/about-office-research-and-development-ord* to learn more about these programs.

Members of the BOSC are recognized experts in various scientific, engineering, and social science fields. EPA will consider nominees from industry, business, public and private research institutes or organizations, academia, government (federal, state, local, and tribal) and non-government organizations, and other relevant interest areas. Members are appointed by the EPA Administrator for a period of three years and serve as special government employees. EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, EPA encourages nominations of women and men of all racial and ethnic groups.

Expertise Sought

EPA is seeking nominations of nationally and internationally recognized scientists and engineers having experience and expertise in one or more of the following areas:

- Atmospheric Science
  —aerosol chemistry
  —aerosol physical science
  —air quality modeling
  —atmospheric chemistry
  —atmospheric physics
- Biology
  —biogeochemistry
  —cell biology
  —endocrinology (endocrine disruptors)
  —microbiology/molecular biology
  —pharmacokinetics
  —systems biology
- Chemistry
  —analytical chemistry
  —combustion chemistry
  —environmental chemistry
  —green chemistry
  —physical chemistry
  —water chemistry
  —biogeochemistry
- Climate Change/Global Change
  —adaption
  —modeling
  —variability
  —greenhouse gas technology
  —assessment
- Ecology
  —ecosystem services
  —aquatic/systems ecology (freshwater, wetland, estuary, near-coastal)
  —hydrology/hydraulics (watershed modeling)
  —plant/forestry ecology
  —water resources
  —soil biogeochemistry
  — system ecology
  —landscape ecology
  —urban ecology
- Engineering
  —biochemical engineering
  —bioenvironmental engineering
  —engineering (drinking water treatment, wastewater treatment, stormwater treatment and management, water reuse, water infrastructure)
  —chemical engineering
  —combustion engineering
  —environmental engineering (decontamination, clean-up, management)
  —industrial engineering
  —mechanical engineering
- Information Science
  —information technology
  —computer/web-based tool development
  —information visualization
  —research communication
  —spatial analysis
  —uncertainty analysis
- Nanotechnology/Emerging Materials (exposure and hazard characterization)
- Public Health
  —children's health
  —community health
  —environmental health
  —epidemiology/molecular epidemiology
- Exposure Science (human, ecological, chemical fate and transport, computational exposure, exposure modeling)
- Risk Assessment (cumulative, mixtures, ecological, human health)
- Nutrients (nutrient management/thresholds, best management practices, human/ecological health)
- Cyanobacteria/Harmful Algal Blooms
- Watershed Management (surface water, groundwater)
- Sustainability
  —community/urban level planning and sustainability
  —industrial (industrial ecology, life cycle analysis, technology policy, systems engineering)
  —energy
  —water, energy and food nexus
- Toxicology
  —computational toxicology (computational biology, genomics, proteomics, metabonomics, computational chemistry, high-throughput bioassays, informatics, bioinformatics, predictive toxicology)
  —ecotoxicology
  —developmental/reproductive toxicology
  —immunotoxicology
  —molecular toxicology
  —neurotoxicology
  —pulmonary/cardiovascular toxicology
  —carcinogenesis
- Science Policy
- Environmental Justice
- Program Evaluation
- Social Science
  —community disaster recovery and resiliency
  —economics (ecological economics, environmental, natural resources and agriculture)
  —socioeconomics
  —sociology
  —decision science
- Behavioral Science
  —psychology
  —ecopsychology
  —environmental psychology
  —conservation psychology
  —social neuroscience
  —risk perception
  —risk/crisis communication
  —community decision making
- Decision Science
  —decision analysis
  —value of information
  —decision support system

Process and Deadline for Submitting Nominations

Any interested person or organization may nominate themselves or qualified individuals in the areas of expertise described above. Nominations should be submitted via the BOSC Web site (which is preferred over hard copy) at: *https://www.epa.gov/bosc.* Nominations should be submitted in time to arrive no later than July 21, 2017. To receive full consideration, nominations should include all of the information requested. EPA requests: Contact information about the person making the nomination; contact information about the nominee; the disciplinary and specific areas of expertise of the nominee; committee preference; the nominee's curriculum vita and/or resume; and additional information that would be useful for considering the nomination such as background and qualifications (*e.g.,* current position, educational background, expertise, research areas), experience relevant to one or more of ORD's research programs, service on other advisory committees and professional societies, and availability to participate as a member of the Executive Committee and/or Subcommittee. Persons having questions about the nomination procedures, or who are unable to submit nominations through the BOSC Web site, should contact Mr. Tom Tracy, as indicated above in this notice.

Selection Criteria

The BOSC is a balanced and diverse expert committee. The committee and each of its subcommittees possess necessary domains of expertise, depth and breadth of knowledge, and diverse and balanced scientific perspectives. Nominations will be evaluated on the basis of several criteria including: (a) Scientific and/or technical expertise, knowledge, and experience; (b) availability to serve and willingness to commit time to the committee (approximately one to three meetings per year including both face-to-face meetings and teleconferences); (c) absence of financial conflicts of interest; (d) absence of an appearance of a lack of impartiality; (e) skills working on committees and advisory panels; and (f) background and experiences that would contribute to the diversity of viewpoints on the Executive Committee or Subcommittee, *e.g.,* workforce sector, geographical location, social, cultural,

and educational backgrounds, and professional affiliations.

The EPA's evaluation of an absence of financial conflicts of interest will include a review of the ''Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency'' (EPA Form 3110–48). This confidential form allows Government Officials to determine whether there is a statutory conflict between that person's public responsibilities (which includes membership on an EPA Federal Advisory Committee) and private interests and activities, or the appearance of a lack of impartiality, as defined by Federal regulation. The form may be viewed and downloaded from the following URL address, *https://www.epa.gov/sap/confidential-financial-disclosure-form-environmental-protection-agency-special-government.*

Dated: May 18, 2017.

Fred S. Hauchman,

Director, Office of Science Policy.

[FR Doc. 2017–10672 Filed 5–24–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0774; FRL–9952–21]

Registration Review Proposed Decisions for Boric Acid/Sodium Salts, Clethodim, Diquat Dibromide, Ethephon, Fenitrothion, Hexazinone, Hymexazol, Methoxyfenozide, Pronamide, and Trimedlure; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's proposed interim registration review and opens a 60-day public comment period on the proposed interim decisions. For a list of the chemicals, please see Section II, Table 1. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, that the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

DATES: Comments must be received on or before July 24, 2017.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number for the specific pesticide of interest provided in the table in Unit II., by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For pesticide specific information, contact:* The Chemical Review Manager for the pesticide of interest identified in the table in Unit II.

For general information on the registration review program, contact: Richard Dumas, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8015; email address: *dumas.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager for the pesticide of interest identified in the table in Unit II.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. What action is the agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's proposed interim registration review decisions for the pesticides shown in the following table, and opens a 60-day public comment period on the proposed interim decisions.

TABLE 1—REGISTRATION REVIEW PROPOSED INTERIM DECISIONS BEING ISSUED

Registration review chemical name and number	Docket ID number	Chemical review manager and contact information
Boric Acid/Sodium Salts, 0024	EPA–HQ–OPP–2009–0306	Moana Appleyard, *appleyard.moana@epa.gov,* (703) 308–8175 and Sandra O'Neil, *oneill.sandra@epa.gov,* (703) 347–0141.
Clethodim, 7226	EPA–HQ–OPP–2008–0658	Bilin Basu, *basu.bilin@epa.gov,* (703) 347–0455.
Diquat Dibromide, 0288	EPA–HQ–OPP–2009–0846	Bonnie Adler, *adler.bonnie@epa.gov,* (703) 308–8523.
Ethephon, 0382	EPA–HQ–OPP–2010–0098	Marquea D. King, *king.marquea@epa.gov,* (703) 305–7432.

TABLE 1—REGISTRATION REVIEW PROPOSED INTERIM DECISIONS BEING ISSUED—Continued

Registration review chemical name and number	Docket ID number	Chemical review manager and contact information
Fenitrothion, 0445	EPA–HQ–OPP–2009–0172	Leigh Rimmer, *rimmerleigh@epa.gov,* (703) 347–0553.
Hexazinone, 0266	EPA–HQ–OPP–2009–0755	Bilin Basu, *basu.bilin@epa.gov,* (703) 347–0455.
Hymexazol, 7016	EPA–HQ–OPP–2010–0127	Caitlin Newcamp, *newcamp.caitlin@epa.gov,* (703) 347–0325.
Methoxyfenozide, 7431	EPA–HQ–OPP–2012–0663	Bonnie Adler, *adler.bonnie@epa.gov,* (703) 308–8523.
Pronamide, 0082	EPA–HQ–OPP–2009–0326	Wilhelmena Livingston, *livingston.wilhelmena@epa.gov,* (703) 308–8025.
Trimedlure, 6045	EPA–HQ–OPP–2015–0616	Gina Burnett, *burnett.gina@epa.gov,* (703) 605–0513.

The registration review docket for a pesticide includes earlier documents related to the registration review case. For example, the review opened with a Summary Document, containing a Preliminary Work Plan, for public comment. A Final Work Plan was placed in the docket following public comment on the Preliminary Work Plan.

The documents in the dockets describe EPA's rationales for conducting additional risk assessments for the registration review of the pesticides included in the table in Unit II, as well as the Agency's subsequent risk findings and consideration of possible risk mitigation measures. These proposed interim registration review decisions are supported by the rationales included in those documents.

Following public comment, the Agency will issue interim or final registration review decisions for the pesticides listed in the table in Unit II.

The registration review program is being conducted under congressionally mandated time frames, and EPA recognizes the need both to make timely decisions and to involve the public. Section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136a(g)) required EPA to establish by regulation procedures for reviewing pesticide registrations, originally with a goal of reviewing each pesticide's registration every 15 years to ensure that a pesticide continues to meet the FIFRA standard for registration. The Agency's final rule to implement this program was issued in August 2006 and became effective in October 2006, and appears at 40 CFR part 155, subpart C. The Pesticide Registration Improvement Act of 2003 (PRIA) was amended and extended in September 2007. FIFRA, as amended by PRIA in 2007, requires EPA to complete registration review decisions by October 1, 2022, for all pesticides registered as of October 1, 2007.

The registration review final rule at 40 CFR 155.58(a) provides for a minimum 60-day public comment period on all proposed interim registration review decisions. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the proposed interim decision. All comments should be submitted using the methods in **ADDRESSES**, and must be received by EPA on or before the closing date. These comments will become part of the docket for the pesticides included in the table in Unit II. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and may provide a ''Response to Comments Memorandum'' in the docket. The interim registration review decision will explain the effect that any comments had on the interim decision and provide the Agency's response to significant comments.

Background on the registration review program is provided at: *http://www.epa.gov/pesticide-reevaluation.*

Authority: 7 U.S.C. 136 *et seq.*

Dated: October 13, 2016.

Yu-Ting Guilaran,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2017–10670 Filed 5–24–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2016–0338; FRL–9955–99]

Registration Review Interim Decisions and Case Closures; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's interim registration review decisions for the pesticides listed in Unit II. of this notice. In addition, this notice announces the closure of the registration review case for Disodium Cyanodithioimidocarbonate (DCDIC) (case 3065 and Docket ID Number: EPA–HQ–OPP–2009–0723) and Decyl-Isononyl Dimethyl Ammonium Chloride (DIDAC) (case 5013 and Docket ID Number: EPA–HQ–OPP–2010–0005) because all of the registrations in the U.S. have been canceled. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, that the pesticide can perform its intended function without causing unreasonable adverse effects on human health or the environment. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

FOR FURTHER INFORMATION CONTACT: *For pesticide specific information, contact:* The Chemical Review Manager for the pesticide of interest identified in the Table of Unit II.

For general information on the registration review program, contact: Richard Dumas, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8015; email address: *dumas.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager identified in the Table of Unit II.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0338, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What action is the agency taking?

Pursuant to 40 CFR 155.58(c), this notice announces the availability of EPA's interim registration review decisions for Antimycin, Busan 74, Flufenacet, Flurprimidol, Fosamine Ammonium, Glufosinate, Lithium Hypochlorite, and Tebufenozide.

Pursuant to 40 CFR 155.57, a registration review decision is the Agency's determination whether a pesticide meets, or does not meet, the standard for registration in FIFRA. EPA has considered the chemicals listed in the following Table in light of the FIFRA standard for registration. The interim registration review decisions are supported by rationales included in the docket established for each chemical.

In addition to the interim registration review decision documents, the registration review docket for the chemicals listed in the Table also includes other relevant documents related to the registration review of these cases. The proposed interim registration review decisions were posted to the docket and the public was invited to submit any comments or new information.

TABLE—INTERIM DECISIONS BEING ISSUED

Registration review case name and number	Docket ID number	Chemical review manager and contact information
Antimycin A, Case 4121	EPA–HQ–OPP–2015–0480	Christina Sheltema, *Scheltema.christina@epa.gov;* (703) 308–2201.
Busan 74, also known as 2-hydroxypropyl methanethiolsulfonate; (HPMTS), Case 3033.	EPA–HQ–OPP–2010–0241	Rachel Ricciardi, *ricciardi.rachel@epa.gov,* (703) 347–0465.
Flufenacet, Case 7245	EPA–HQ–OPP–2010–0863	Brian Kettl, *Kettl.Brian@epa.gov,* (703) 347–0535.
Flurprimidol, Case 7000	EPA–HQ–OPP–2009–0630	Christina Motilall, *motilall.christina@epa.gov,* (703) 603–0522.
Fosamine ammonium, Case 2355	EPA–HQ–OPP–2010–0215	James Parker, *parker.james@epa.gov,* (703) 306–0469.
Glufosinate, Case 7224	EPA–HQ–OPP–2008–0190	Marquea D. King, *king.marquea@epa.gov* (703) 305–7432.
Lithium Hypochlorite, Case 3084	EPA–HQ–OPP–2013–0606	Sandra O'Neill, *oneill.sandra@epa.gov* (703) 347–0141.
Tebufenozide, Case 7416	EPA–HQ–OPP–2008–0824	Christina Sheltema, *Scheltema.christina@epa.gov;* (703) 308–2201.

EPA addresses the comments or information received during the 60-day comment period for the proposed decisions in the discussion for each pesticide listed in the Table. Comments from the 60-day comment period that were received may or may not affect the Agency's interim decision.

Pursuant to 40 CFR 155.58(c), the registration review case docket for the chemicals listed in the Table will remain open until all actions required in the interim decision have been completed.

Background on the registration review program is provided at: *http://www.epa.gov/pesticide-reevaluation.* Earlier documents related to the registration review of these pesticides are provided in the chemical specific dockets listed in the Table.

This document also announces the closure of the registration review case for Disodium Cyanodithioimidocarbonate (DCDIC) (case 3065 and Docket ID Number: EPA–HQ–OPP–2009–0723) and Decyl-Isononyl Dimethyl Ammonium Chloride (DIDAC) (case 5013 and Docket ID Number: EPA–HQ–OPP–2010–0005) because all of the registrations in the U.S. have been canceled.

Authority: 7 U.S.C. 136 *et seq.*

Dated: January 3, 2017.

Yu-Ting Guilaran,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2017–10668 Filed 5–24–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

[Notice 2017–10]

Filing Dates for the Alabama Senate Special Elections

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for special election.

SUMMARY: Alabama has scheduled special elections to fill the U.S. Senate seat formerly held by Attorney General Jeff Sessions. There are three possible special elections, but only two may be necessary.

- *Primary Election:* August 15, 2017.
- *Possible Runoff Election:* September 26, 2017. In the event that one candidate does not achieve a majority vote in his/her party's Special Primary Election, the top two vote-getters will participate in a Special Runoff Election.
- *General Election:* December 12, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth S. Kurland, Information Division, 999 E Street, NW., Washington, DC 20463; Telephone: (202) 694–1100; Toll Free (800) 424–9530.

SUPPLEMENTARY INFORMATION:

Principal Campaign Committees Special Primary Only

All principal campaign committees of candidates *only* participating in the Alabama Special Primary shall file a Pre-Primary Report on August 3, 2017. (See charts below for the closing date for the report).

Special Primary and General Without Runoff

If only two elections are held, all principal campaign committees of candidates participating in the Alabama Special Primary and Special General Elections shall file a Pre-Primary Report on August 3, 2017; a Pre-General Report on November 30, 2017; and a Post-General Report on January 21, 2018. (See charts below for the closing date for each report).

Special Primary and Runoff Elections

If three elections are held, all principal campaign committees of candidates *only* participating in the

Alabama Special Primary and Special Runoff Elections shall file a Pre-Primary Report on August 3, 2017; and a Pre-Runoff Report on September 14, 2017. (See charts below for the closing date for each report.)

Special Primary, Runoff and General Elections

All principal campaign committees of candidates participating in the Alabama Special Primary, Special Runoff and Special General Elections shall file a Pre-Primary Report on August 3, 2017; a Pre-Runoff Report on September 14, 2017; a Pre-General Report on November 30, 2017; and a Post-General Report on January 21, 2018. (See charts below for the closing date for each report.)

Note that these reports are in addition to the campaign committee's regular quarterly filings. (See charts below for the closing date for each report).

Unauthorized Committees (PACs and Party Committees)

Political committees filing on a semi-annual basis in 2017 are subject to special election reporting if they make previously undisclosed contributions or expenditures in connection with the Alabama Special Primary, Special Runoff or Special General Elections by the close of books for the applicable report(s). (See charts below for the closing date for each report.)

Since disclosing financial activity from two different calendar years on one report would conflict with the calendar year aggregation requirements stated in the Commission's disclosure rules, unauthorized committees that trigger the filing of the Post-General Report will be required to file this report on two separate forms. One form to cover 2017 activity, labeled as the Year-End Report; and the other form to cover only 2018 activity, labeled as the Post-General Report. Both forms must be filed by January 21, 2018.

Committees filing monthly that make contributions or expenditures in connection with the Alabama Special Primary, Special Runoff or Special General Election will continue to file according to the monthly reporting schedule.

Additional disclosure information in connection with the Alabama Special Elections may be found on the FEC Web site at *http://www.fec.gov/info/report_dates.shtml.*

Disclosure of Lobbyist Bundling Activity

Principal campaign committees, party committees and Leadership PACs that are otherwise required to file reports in connection with the special elections must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of $17,900 during the special election reporting periods. (See charts below for closing date of each period.) 11 CFR 104.22(a)(5)(v), (b).

b.

CALENDAR OF REPORTING DATES FOR ALABAMA SPECIAL ELECTION

Report	Close of books [1]	Reg./cert. & overnight mailing deadline	Filing deadline
Campaign Committees Involved in Only the Special Primary (08/15/17) Must File:			
Pre-Primary	07/26/17	07/31/17	08/03/17
October Quarterly	09/30/17	10/15/17	[2] 10/15/17
Year-End	12/31/17	01/31/18	01/31/18
PACs and Party Committees not Filing Monthly Involved in Only the Special Primary (08/15/17) Must File:			
Mid-Year	—WAIVED—		
Pre-Primary	07/26/17	07/31/17	08/03/17
Year-End	12/31/17	01/31/18	01/31/18
If Only Two Elections are Held, Campaign Committees Involved in Both the Special Primary (08/15/17) and Special General (12/12/17) Must File:			
Pre-Primary	07/26/17	07/31/17	08/03/17
October Quarterly	09/30/17	10/15/17	[2] 10/15/17
Pre-General	11/22/17	11/27/17	11/30/17
Post-General	01/01/18	01/21/18	[2] 01/21/18
Year-End	—WAIVED—		
If Only Two Elections are Held, PACs and Party Committees not Filing Monthly Involved in Both the Special Primary (08/15/17) and Special General (12/12/17) Must File:			
Mid-Year	—WAIVED—		
Pre-Primary	07/26/17	07/31/17	08/03/17
Pre-General	11/22/17	11/27/17	11/30/17
Post-General	01/01/18	01/21/18	[2] 01/21/18
Year-End	—WAIVED—		
If Only Two Elections are Held, Campaign Committees Involved in Only the Special General (12/12/17) Must File:			
Pre-General	11/22/17	11/27/17	11/30/17
Post-General	01/01/18	01/21/18	[2] 01/21/18
Year-End	—WAIVED—		

CALENDAR OF REPORTING DATES FOR ALABAMA SPECIAL ELECTION—Continued

Report	Close of books [1]	Reg./cert. & overnight mailing deadline	Filing deadline
If Only Two Elections are Held, PACs and Party Committees not Filing Monthly Involved in Only the Special General (12/12/17) Must File:			
Pre-General	11/22/17	11/27/17	11/30/17
Post-General	01/01/18	01/21/18	[2] 01/21/18
Year-End		—WAIVED—	
If Three Elections are Held, Campaign Committees Involved in Only the Special Primary (08/15/17) and Special Runoff (09/26/17) Must File:			
Pre-Primary	07/26/17	07/31/17	08/03/17
Pre-Runoff	09/06/17	09/11/17	09/14/17
October Quarterly	09/30/17	10/15/17	[2] 10/15/17
Year-End	12/31/17	01/31/18	01/31/18
If Three Elections are Held, PACs and Party Committees not Filing Monthly Involved in Only the Special Primary (08/15/17) and Special Runoff (09/26/17) Must File:			
Mid-Year		—WAIVED—	
Pre-Primary	07/26/17	07/31/17	08/03/17
Pre-Runoff	09/06/17	09/11/17	09/14/17
Year-End	12/31/17	01/31/18	01/31/18
If Three Elections are Held, Campaign Committees not Filing Monthly Involved in Only the Special Runoff (09/26/17) Must File:			
Pre-Runoff	09/06/17	09/11/17	09/14/17
October Quarterly	09/30/17	10/15/17	[2] 10/15/17
Year-End	12/31/17	01/31/18	01/31/18
If Three Elections are Held, PACs and Party Committees not Filing Monthly Involved in Only the Special Runoff (09/26/17) Must File:			
Pre-Runoff	09/06/17	09/11/17	09/14/17
Year-End	12/31/17	01/31/18	01/31/18
Campaign Committees Involved in the Special Primary (08/15/17), Special Runoff (09/26/17) and Special General (12/12/17) Must File:			
Pre-Primary	07/26/17	07/31/17	08/03/17
Pre-Runoff	09/06/17	09/11/17	09/14/17
October Quarterly	09/30/17	10/15/17	[2] 10/15/17
Pre-General	11/22/17	11/27/17	11/30/17
Post-General	01/01/18	01/21/18	[2] 01/21/18
Year-End		—WAIVED—	
PACs and Party Committees not Filing Monthly Involved in the Special Primary (08/15/17), Special Runoff (09/26/17) and Special General (12/12/17) Must File:			
Mid-Year		—WAIVED—	
Pre-Primary	07/26/17	07/31/17	08/03/17
Pre-Runoff	09/06/17	09/11/17	09/14/17
Pre-General	11/22/17	11/27/17	11/30/17
Post-General	01/01/18	01/21/18	[2] 01/21/18
Year-End		—WAIVED—	
If Three Elections are Held, Campaign Committees Involved in Only the Special General (12/12/17) Must File:			
Pre-General	11/22/17	11/27/17	11/30/17
Post-General	01/01/18	01/21/18	[2] 01/21/18
Year-End		—WAIVED—	
If Three Elections are Held, PACs and Party Committees not Filing Monthly Involved in Only the Special General (12/12/17) Must File:			
Pre-General	11/22/17	11/27/17	11/30/17
Post-General	01/01/18	01/21/18	[2] 01/21/18
Year-End		—WAIVED—	

[1] The reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered as a political committee up through the close of books for the first report due.

[2] Notice that this filing deadline falls on a weekend or federal holiday. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than registered, certified or overnight mail must be received by close of business on the last business day before the deadline.

Dated: April 26, 2017.

On behalf of the Commission,

Steven T. Walther,

Chairman, Federal Election Commission.

[FR Doc. 2017–10722 Filed 5–24–17; 8:45 am]

BILLING CODE 6715–01–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2017–N–05]

Proposed Collection; Comment Request

AGENCY: Federal Housing Finance Agency.

ACTION: 60-day notice of submission of information collection for approval from Office of Management and Budget.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Housing Finance Agency (FHFA or the Agency) is seeking public comments concerning an information collection known as the ''Monthly Survey of Rates and Terms on Conventional 1-Family Nonfarm Mortgage Loans (MIRS),'' which has been assigned control number 2590–0004 by the Office of Management and Budget (OMB). FHFA intends to submit the information collection to OMB for review and approval of a three-year extension of the control number, which is due to expire on July 31, 2017.

DATES: Interested persons may submit comments on or before July 24, 2017.

ADDRESSES: Submit comments to FHFA, identified by ''Proposed Collection; Comment Request: 'Monthly Survey of Rates and Terms on Conventional 1-Family Nonfarm Mortgage Loans (MIRS), (No. 2017–N–05)' '' by any of the following methods:

- *Agency Web site: www.fhfa.gov/open-for-comment-or-input.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal,* please also send it by *email* to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by the agency.
- *Mail/Hand Delivery:* Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW., Washington, DC 20219, ATTENTION: Proposed Collection; Comment Request: ''Monthly Survey of Rates and Terms on Conventional 1-Family Nonfarm Mortgage Loans (MIRS), (No. 2017–N–05)''.

We will post all public comments we receive without change, including any personal information you provide, such as your name and address, email address, and telephone number, on the FHFA Web site at *http://www.fhfa.gov.* In addition, copies of all comments received will be available for examination by the public on business days between the hours of 10 a.m. and 3 p.m., at the Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW., Washington, DC 20219. To make an appointment to inspect comments, please call the Office of General Counsel at (202) 649–3804.

FOR FURTHER INFORMATION CONTACT: David L. Roderer, Senior Financial Analyst, *David.L.Roderer@fhfa.gov,* (202) 649–3206; or Eric Raudenbush, Associate General Counsel, *Eric.Raudenbush@fhfa.gov,* (202) 649–3084 (these are not toll-free numbers); Federal Housing Finance Agency, 400 Seventh Street SW., Washington, DC 20219. The Telecommunications Device for the Hearing Impaired is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

A. Need for and Use of the Information Collection

FHFA's Monthly Survey of Rates and Terms on Conventional 1-Family Nonfarm Mortgage Loans, commonly referred to as the ''Monthly Interest Rate Survey'' or ''MIRS,'' is a monthly survey of mortgage lenders that solicits information on the terms and conditions on all conventional, single-family, fully amortized, purchase-money mortgage loans closed during the last five working days of the preceding month. The MIRS collects monthly information on interest rates, loan terms, and house prices by property type (*i.e.,* new or previously occupied), by loan type (*i.e.,* fixed- or adjustable-rate), and by lender type (*i.e.,* mortgage companies, savings associations, commercial banks, and savings banks), as well as information on 15-year and 30-year fixed-rate loans. In addition, the survey collects quarterly information on conventional loans by major metropolitan area and by Federal Home Loan Bank district. The MIRS does not collect information on loans insured by the Federal Housing Administration (FHA) or guaranteed by the Veterans Administration (VA), loans secured by multifamily property or manufactured housing, or loans created by refinancing another mortgage. The MIRS is the most timely and comprehensive source of information on conventional mortgage rates and terms in the United States.

The MIRS originated with one of FHFA's predecessor agencies, the former Federal Home Loan Bank Board (FHLBB), in the 1960s and was conducted by the former Federal Housing Finance Board from 1989 through 2008. Data collected through the MIRS was used to derive the FHLBB's National Average Contract Mortgage Rate for the Purchase of Previously Occupied Homes by Combined Lenders (ARM Index), which was used by lenders to set mortgage rates on adjustable rate mortgages (ARMs). For a period of years, Fannie Mae and Freddie Mac were required by statute to use the data collected through the MIRS in making annual adjustments to their conforming loan limits.

Since 2008, FHFA has continued to conduct the MIRS and to produce the ARM Index.[1] For various reasons, the number of loans reported to MIRS has fallen dramatically over the long term, which has resulted in the data sample sizes becoming deficient.[2] Although the volume of loans reported has increased moderately over the last several years, FHFA possesses limited means to compel survey recipients to provide additional data. Despite this, the agency believes it has a legal obligation to continue to carry out the survey, and its results continue to be relied upon by many outside parties.

While adjustments in the Enterprises' conforming loan limits are no longer based solely on data collected through the MIRS, MIRS data remains one of the factors that FHFA is required to consider in assessing the national average one-family house price for purposes of making those adjustments.[3] A few lenders use FHFA's ARM Index, derived from MIRS data, to set interest rates on fixed rate loans. In addition, businesses, trade associations, and government agencies at both the federal and state level rely upon the MIRS data for various business and regulatory purposes. For example, economic policy makers have used the MIRS data to determine trends in the mortgage markets, including interest rates, down payments, terms to maturity, terms on ARMs, and initial fees and charges on mortgage loans. Other federal banking agencies, such as the Board of Governors of the Federal Reserve System and the Council of Economic Advisors, have used the MIRS results for research purposes. The Bureau of Economic Analysis of the U.S. Department of Commerce uses MIRS as

[1] The MIRS and the ARM Index are described at 12 CFR 906.5.

[2] All publications of MIRS data include a note stating, ''The indices are based on a small monthly survey of mortgage lenders, which may not be representative. The sample is not a statistical sample but is rather a convenience sample.''

[3] *See* 12 U.S.C. 4542.

a key component of some of the economic statistics it is responsible for tracking. In addition, statutes in several states and U.S. territories refer to, or rely upon, the MIRS or the ARM Index for various purposes.[4]

The OMB control number for this information collection is 2590–0004. The current clearance for the information collection expires on July 31, 2017.

B. Burden Estimate

The Agency received a total of 1,369 monthly MIRS data submissions from 45 unique survey respondents over the period 2014–2016, representing an average of 456.3 monthly submissions per year from all respondents. Based on that figure and the expectation that it may receive slightly fewer data submissions going forward as compared to the last three years, FHFA estimates that it will receive an average of 450 data submissions annually over the next three years.

Most MIRS respondents submit their monthly MIRS data electronically through FHFA's MIRS web interface. Several, primarily larger, respondents transmit an electronic data file to FHFA, which then uploads the data to the same web interface. A few respondents still elect to complete FHFA Form #075 and submit it by facsimile. FHFA believes that, on average, a respondent will spend 20 minutes transmitting each monthly MIRS data set.

Thus, FHFA estimates that the annualized hour burden on all respondents imposed by this information collection over the next three years will be 150 hours (450 submissions × 0.33 hours).

C. Comments Request

FHFA requests written comments on the following: (1) Whether the collection of information is necessary for the proper performance of FHFA functions, including whether the information has practical utility; (2) the accuracy of FHFA's estimates of the burdens of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) 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.

[4] *See, e.g.,* Cal. Civ. Code §§ 1916.7(b)(5)(A) and 1916.8(b)(1) (mortgage rates); Mich. Comp. Laws § 445.1621(d), 445.1624 (mortgage index rates); N.J. Rev. Stat. 31:1–1(d) (interest rates); Wis. Stat. § 138.056(1)(a) (variable loan rates); V.I. Code Ann. tit. 11, § 951(b)(2) (legal rate of interest).

Dated: May 19, 2017.

Kevin Winkler,

Chief Information Officer, Federal Housing Finance Agency.

[FR Doc. 2017–10728 Filed 5–24–17; 8:45 am]

BILLING CODE 8070–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act; Notice of Board Member Meeting

AGENDA

Federal Retirement Thrift Investment, Joint Board Member/ETAC Meeting, May 31, 2017, 8:30 a.m., (In-person), 77 K Street NE., Washington, DC 20002, Training Rooms A and B, 10th Floor.

OPEN SESSION

1. Approval of the Minutes of the April 24, 2017 Board Member Meeting
2. Approval of the Minutes of the November 14, 2016 ETAC Meeting
3. Monthly Reports
   (a) Participant Activity Report
   (b) Investment Performance Report
   (c) Legislative Report
4. Quarterly Reports
   (a) Metrics
   (b) Project Activity
5. Blended Retirement Update
6. IT Update
7. L Funds ''To'' vs ''Through'' Study
8. TSP Investment Options Study
9. OCE Annual Report

CLOSED SESSION

Information covered under 5 U.S.C. 552b(c)(9)(B).

ADJOURN

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: May 23, 2017.

Megan Grumbine,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2017–10929 Filed 5–23–17; 4:15 pm]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1685–N]

Medicare Program: Announcement of the Advisory Panel on Hospital Outpatient Payment (the Panel) Meeting on August 21–22, 2017

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (DHHS).

ACTION: Notice.

SUMMARY: This notice announces the annual meeting of the Advisory Panel on Hospital Outpatient Payment for 2017. The purpose of the Panel is to advise the Secretary of Department of Health and Human Services and the Administrator of Centers for Medicare & Medicaid Services concerning the clinical integrity of the Ambulatory Payment Classification groups and their associated weights as well as hospital outpatient therapeutic services supervision issues. The advice provided by the Panel will be considered as we prepare the annual updates for the hospital outpatient prospective payment system.

DATES: *Meeting Dates:* The annual meeting in 2017 is scheduled for the following dates and times. The times listed in this notice are Eastern Daylight Time (EDT) and are approximate times. Consequently, the meetings may last longer or be shorter than the times listed in this notice, but will not begin before the posted times:

- Monday, August 21, 2017, 9 a.m. to 5 p.m. EDT.
- Tuesday, August 22, 2017, 9 a.m. to 5 p.m. EDT.

Meeting Information Updates: The actual meeting hours and days will be posted in the agenda. As information and updates regarding the onsite, webcast, and teleconference meeting and the agenda become available, they will be posted to our Web site at: *http://cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonAmbulatoryPaymentClassificationGroups.html.*

Deadlines

Deadline for Presentations and Comments

Presentations or comments and form CMS–20017, (located at *https://www.cms.gov/Medicare/CMS-Forms/CMS-Forms/downloads/cms20017.pdf*) must be received by 5 p.m. EDT, Friday, July 21, 2017. Presentations and comments that are not received by the due date and time will be considered late and will not be included on the agenda. In commenting, please refer to file code CMS–1685–N.

Meeting Registration Timeframe: Monday, June 26, 2017, through Monday, July 31, 2017 at 5 p.m. EDT.

Participants planning to attend this meeting in person must register online, during the specified timeframe at: *https://www.cms.gov/apps/events/default.asp.* On this Web page, double click the ''Upcoming Events'' hyperlink, and then double click the ''HOP Panel''

event title link and enter the required information. Include any requests for special accommodations.

Note: Participants who do not plan to attend the meeting in person should not register. No registration is required for participants who plan to participate in the meeting via webcast or teleconference.

Because of staff and resource limitations, we cannot accept comments and presentations by facsimile (FAX) transmission.

Meeting Location, Webcast, and Teleconference

The meeting will be held in the Auditorium, CMS Central Office, 7500 Security Boulevard, Woodlawn, Maryland 21244–1850. Alternately, the public may either view this meeting via a webcast or listen by teleconference. During the scheduled meeting, webcasting is accessible online at: *http://cms.gov/live.* Teleconference dial-in information will appear on the final meeting agenda, which will be posted on our Web site when available at: *http://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonAmbulatoryPaymentClassificationGroups.html.*

News Media

Representatives must contact our Public Affairs Office at (202) 690–6145.

Advisory Committees' Information Lines

The phone number for the CMS Federal Advisory Committee Hotline is (410) 786–3985.

Web Sites

For additional information on the Panel, including the Panel charter, and updates to the Panel's activities, we refer readers to view our Web site at: *http://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonAmbulatoryPaymentClassificationGroups.html.*

Information about the Panel and its membership in the Federal Advisory Committee Act database are also located at: *http://facadatabase.gov/.*

FOR FURTHER INFORMATION CONTACT: Designated Federal Official (DFO): Susan Janeczko, Pharm.D., J.D., DFO, 7500 Security Boulevard, Mail Stop: C4–02–10,Woodlawn, MD 21244–1850. Phone: (410) 786–4529. Email: *APCPanel@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of the Department of Health and Human Services (DHHS) is required by section 1833(t)(9)(A) of the Social Security Act (the Act) and is allowed by section 222 of the Public Health Service Act (PHS Act) to consult with an expert outside panel, such as the Advisory Panel on Outpatient Payment (the Panel), regarding the clinical integrity of the Ambulatory Payment Classification (the APC) groups and relative payment weights. The Panel is governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), as amended (5 U.S.C. Appendix 2), to set forth standards for the formation and use of advisory panels. We consider the technical advice provided by the Panel as we prepare the proposed and final rules to update the Hospital Outpatient Prospective Payment System (OPPS) for the following calendar year.

II. Agenda

The agenda for the August 21 through August 22, 2017 Panel meeting will provide for discussion and comment on the following topics as designated in the Panel's Charter:

- Addressing whether procedures within an APC group are similar both clinically and in terms of resource use.
- Evaluating APC group structure.
- Reviewing the packaging of OPPS services and costs, including the methodology and the impact on APC groups and payment.
- Removing procedures from the inpatient-only list for payment under the OPPS.
- Using single and multiple procedure claims data for CMS' determination of APC group weights.
- Addressing other technical issues concerning APC group structure.
- Recommending the appropriate supervision level (general, direct, or personal) for individual hospital outpatient therapeutic services.

The Agenda will be posted on our Web site at: *https://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonAmbulatoryPaymentClassificationGroups.html* approximately 1 week before the meeting.

III. Presentations

The subject matter of any presentation and comment matter must be within the scope of the Panel designated in the Charter. Any presentations or comments outside of the scope of this Panel will be returned or requested for amendment. Unrelated topics include, but are not limited to, the conversion factor, charge compression, revisions to the cost report, pass-through payments, correct coding, new technology applications (including supporting information/documentation), provider payment adjustments, supervision of hospital outpatient diagnostic services, and the types of practitioners that are permitted to supervise hospital outpatient services. The Panel may not recommend that services be designated as nonsurgical extended duration therapeutic services.

The Panel may use data collected or developed by entities and organizations other than DHHS and Centers for Medicare & Medicaid Services (CMS) in conducting its review. We recommend organizations submit data for CMS staff and the Panel's review.

All presentations are limited to 5 minutes, regardless of the number of individuals or organizations represented by a single presentation. Presenters may use their 5 minutes to represent either 1 or more agenda items.

Section 508 Compliance

For this meeting, we are aiming to have all presentations and comments available on our Web site. Materials on our Web site must be Section 508 compliant to ensure access to federal employees and members of the public with and without disabilities. We encourage presenters and commenters to refer to guidance on making documents Section 508 compliant as they draft their submissions, and, whenever possible, to submit their presentations and comments in a 508 compliant form. Such guidance is available at: *http://www.cms.gov/Research-Statistics-Data-and-Systems/CMS-Information-Technology/Section508/508-Compliant-doc.html.* We will review presentations and comments for 508 compliance, and place compliant materials on our Web site. As resources permit, we will also convert non-compliant submissions to 508 compliant forms and offer assistance to submitters who wish to make their submissions 508 compliant. All non-508 compliant presentations and comments will be shared with the public onsite and through the webcast and made available to the public upon request.

Those wishing to access such materials should contact the DFO (the DFO's address, email, and phone number are provided in this notice).

In order to consider presentations and/or comments, we will need to receive the following:

1. *An email* copy of the presentation or comments sent to the DFO mailbox, *APCPanel@cms.hhs.gov* or, if unable to submit by email, a hard copy sent to the DFO at the address noted under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

2. Form *CMS–20017* with complete contact information that includes name, address, phone number, and email addresses for all presenters and commenters and a contact person that can answer any questions, and provide revisions that are requested, for the presentation. Presenters and commenters must clearly explain the actions that they are requesting CMS to take in the appropriate section of the form. A presenter's or commenter's relationship with the organization that they represent must also be clearly listed.

• The form is now available through the CMS Forms Web site at: *https://www.cms.gov/Medicare/CMS-Forms/CMS-Forms/downloads/cms20017.pdf.*

• We encourage presenters to make efforts to ensure that their presentations and comments are 508 compliant.

IV. Oral Comments

In addition to formal oral presentations, which are limited to 5 minutes total per presentation, there will be an opportunity during the meeting for public oral comments, which will be limited to 1 minute for each individual and a total of 3 minutes per organization.

V. Meeting Attendance

The meeting is open to the public; however, attendance is limited to space available. Priority will be given to those who pre-register and attendance may be limited based on the number of registrants and the space available.

Persons wishing to attend this meeting, which is located on federal property, must register by following the instructions in the **DATES** *section of this notice under* ''*Meeting Registration Timeframe*''. A confirmation email will be sent to the registrants shortly after completing the registration process.

VI. Security, Building, and Parking Guidelines

The following are the security, building, and parking guidelines:

• Persons attending the meeting, including presenters, must be pre-registered and on the attendance list by the prescribed date.

• Individuals who are not pre-registered in advance may not be permitted to enter the building and may be unable to attend the meeting.

• Attendees must present a government-issued photo identification to the Federal Protective Service or Guard Service personnel before entering the building. Without a current, valid photo ID, persons may not be permitted entry to the building.

• Security measures include inspection of vehicles, inside and out, at the entrance to the grounds.

• All persons entering the building must pass through a metal detector.

• All items brought into CMS, including personal items, for example, laptops and cell phones, are subject to physical inspection.

• The public may enter the building 30 to 45 minutes before the meeting convenes each day.

• All visitors must be escorted in areas other than the lower and first-floor levels in the Central Building.

• The main-entrance guards will issue parking permits and instructions upon arrival at the building.

• Foreign nationals visiting any CMS facility require prior approval. If you are a foreign national and wish to attend the meeting onsite, in addition to registering for the meeting, you must also send a separate email to *APCPanel@cms.hhs.gov* prior to the close of registration to request authorization to attend as a foreign national.

Note: As of March 30, 2015, the ''Real ID Act'' requires a second form of identification from those whose government issued photo identification or government issued driver's license was issued by American Samoa, Arizona, Louisiana, Maine, Minnesota, and New York. Attendees with a government issued photo identification or driver's license issued by the states previously mentioned may need to provide alternative or additional approved proof of identification in order to comply with the ''Real ID Act.''

VII. Special Accommodations

Individuals requiring special accommodations must include the request for these services during registration.

VIII. Panel Recommendations and Discussions

The Panel's recommendations at any Panel meeting generally are not final until they have been reviewed and approved by the Panel on the last day of the meeting, before the final adjournment. These recommendations will be posted to our Web site after the meeting.

IX. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping, or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: May 18, 2017.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2017–10683 Filed 5–24–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2013–N–0879; FDA–2013–N–0579; FDA–2016–N–2474; FDA–2016–D–1853; FDA–2013–N–0764; FDA–2013–N–0825; FDA–2013–N–0797; FDA–2013–N–0578]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approvals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of information collections that have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 11601 Landsdown Street, North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The following is a list of FDA information collections recently approved by OMB under section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). The OMB control number and expiration date of OMB approval for each information collection are shown in table 1. Copies of the supporting statements for the information collections are available on the Internet at *https://www.reginfo.gov/public/do/PRAMain.* An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

TABLE 1—LIST OF INFORMATION COLLECTIONS APPROVED BY OMB

Title of collection	OMB control No.	Date approval expires
Procedures for the Safe Processing and Importing of Fish and Fishery Products	0910–0354	2/29/2020
Biological Products: Reporting of Biological Product Deviations and Human Cells, Tissues, and Cellular and Tissue-Based Product Deviations; Form FDA 3486 and Addendum, 3486A	0910–0458	2/29/2020
Designation of New Animal Drugs for Minor Use or Minor Species	0910–0605	2/29/2020
Unique Device Identification System	0910–0720	2/29/2020
Animal Feed Regulatory Program Standards	0910–0760	2/29/2020
Premarket Approval of Medical Devices—21 CFR Part 814	0910–0231	3/31/2020
Human Tissue Intended for Transplantation	0910–0302	3/31/2020
General Licensing Provisions: Biological License Application, Changes to an Approved Application, Labeling, Revocation and Suspension, and Form FDA 356h	0910–0338	3/31/2020

Dated: May 18, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislative, and Analysis.

[FR Doc. 2017–10736 Filed 5–24–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0118]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by June 26, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0520. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002—21 CFR 1.278 to 1.285, OMB Control Number 0910–0520

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Bioterrorism Act) added section 801(m) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 381(m)), which requires that FDA receives prior notice for food, including food for animals, that is imported or offered for import into the United States. Sections 1.278 to 1.282 of FDA regulations (21 CFR 1.278 to 1.282) set forth the requirements for submitting prior notice; §§ 1.283(d) and 1.285(j) (21 CFR 1.283(d) and 1.285(j)) set forth the procedure for requesting the Agency review after FDA has refused admission of an article of food under section 801(m)(1) of the FD&C Act or placed an article of food under hold under section 801(l); and § 1.285(i) sets forth the procedure for post-hold submissions.

Section 304 of the FDA Food Safety Modernization Act (FSMA) (Pub. L. 111–353) amended section 801(m) of the FD&C Act to require a person submitting prior notice of imported food, including food for animals, to report, in addition to other information already required, ''any country to which the article has been refused entry.''

Advance notice of imported food allows FDA, with the support of the U.S. Customs and Border Protection (CBP), to target import inspections more effectively and help protect the nation's food supply against terrorist acts and other public health emergencies. By requiring that a prior notice contain additional information that indicates prior refusals by any country and also identifies the country or countries, the Agency may better identify imported food shipments that may pose safety and security risks to U.S. consumers. This additional knowledge can further help FDA to make better informed decisions in managing the potential risks of imported food shipments into the United States.

Any person with knowledge of the required information may submit prior notice for an article of food. Thus, the respondents to this information collection may include importers, owners, ultimate consignees, shippers, and carriers.

FDA regulations require that prior notice of imported food be submitted electronically using CBP's Automated Broker Interface of the Automated Commercial System (ABI/ACS) (§ 1.280(a)(1)) or the FDA Prior Notice System Interface (PNSI) (Form FDA 3540) (§ 1.280(a)(2)). PNSI is an electronic submission system available on the FDA Industry Systems page at *https://www.access.fda.gov/.* Information the Agency collects in the prior notice submission includes: (1) The submitter and transmitter (if different from the submitter); (2) entry type and CBP identifier; (3) the article of food, including complete FDA product code; (4) the manufacturer, for an article of food no longer in its natural state; (5) the grower, if known, for an article of food that is in its natural state; (6) the FDA Country of Production; (7) the name of any country that has refused entry of the article of food; (8) the shipper, except for food imported by international mail; (9) the country from which the article of food is shipped or, if the food is imported by international mail, the anticipated date of mailing and country from which the food is mailed; (10) the anticipated arrival information or, if the food is imported by

international mail, the U.S. recipient; (11) the importer, owner, and ultimate consignee, except for food imported by international mail or transshipped through the United States; (12) the carrier and mode of transportation, except for food imported by international mail; and (13) planned shipment information, except for food imported by international mail (§ 1.281).

Much of the information collected for prior notice is identical to the information collected for FDA importer's entry notice, which has been approved under OMB control number 0910–0046. The information in an importer's entry notice is collected electronically via CBP's ABI/ACS at the same time the respondent files an entry for import with CBP. To avoid double-counting the burden hours already counted in the importer's entry notice information collection, the burden hour analysis in table 1 reflects FDA's estimate of the reduced burden for prior notice submitted through ABI/ACS in column 6, entitled ''Average Burden per Response.''

In addition to submitting a prior notice, a submitter should cancel a prior notice and must resubmit the information to FDA if information changes after the Agency has confirmed a prior notice submission for review (*e.g.,* if the identity of the manufacturer changes) (§ 1.282). However, changes in the estimated quantity, anticipated arrival information, or planned shipment information do not require resubmission of prior notice after the Agency has confirmed a prior notice submission for review (§ 1.282(a)(1)(i) to (iii)). In the event that FDA refuses admission to an article of food under section 801(m)(1) or the Agency places it under hold under section 801(l), §§ 1.283(d) and 1.285(j) (21 CFR 1.283(d) and 1.285(j)) set forth the procedure for requesting FDA's review and the information required in a request for review. In the event that the Agency places an article of food under hold under section 801(l) of the FD&C Act, § 1.285(i) sets forth the procedure for, and the information to be included in, a post-hold submission.

In the **Federal Register** of January 5, 2017 (82 FR 1349), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received no comments.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section No.	FDA form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (hours)	Total hours
Prior Notice Submissions						
Prior Notice Submitted Through ABI/ACS						
1.280–1.281	None	1,700	7,647	12,999,900	0.167 (10 minutes)	[2] 2,170,983
Prior Notice Submitted Through PNSI						
1.280–1.281	[3] 3540	27,000	70	1,890,000	0.384 (23 minutes)	725,760
New Prior Notice Submissions Subtotal.						2,896,743
Prior Notice Cancellations						
Prior Notice Cancelled Through ABI/ACS						
1.282	3540	7,040	1	7,040	0.25 (15 minutes)	1,760
Prior Notice Cancelled Through PNSI						
1.282, 1.283(a)(5)	3540	35,208	1	35,208	0.25 (15 minutes)	8,802
Prior Notice Cancellations Subtotal.						10,562
Prior Notice Requests for Review and Post-Hold Submissions						
1.283(d), 1.285(j),	None	1	1	1	8	8
1.285(i)	None	263	1	263	1	263
Prior Notice Requests for Review and Post-Hold Submissions Subtotal.						271
Total						2,907,576

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] To avoid double-counting, an estimated 396,416 burden hours already accounted for in the Importer's Entry Notice information collection approved under OMB control number 0910–0046 are not included in this total.
[3] The term ''Form FDA 3540'' refers to the electronic submission system known as PNSI, which is available at *https://www.access.fda.gov/.*

This estimate is based on FDA's experience and the average number of prior notice submissions, cancellations, and requests for review received in the past 3 years.

FDA received 10,450,824 prior notices through ABI/ACS during 2014; 11,282,015 during 2015; and 12,153,880 during 2016. Based on this experience, the Agency estimates that approximately 1,700 users of ABI/ACS will submit an average of 7,647 prior notices annually, for a total of 12,999,900 prior notices received annually through ABI/ACS. FDA estimates the reporting burden for a prior notice submitted through ABI/ACS to be 10 minutes, or 0.167 hour, per notice, for a total burden of 2,170,983 hours. This estimate takes into consideration the burden hours already counted in the information collection approval for FDA importer's entry notice (OMB control number 0910–0046), as previously discussed.

FDA received 1,529,110 prior notices through PNSI during 2014; 1,633,567 during 2015; and 1,768,790 during 2016. Based on this experience, the Agency estimates that approximately 27,000 registered users of PNSI will submit an average of 70 prior notices annually, for a total of 1,890,000 prior notices received annually. FDA estimates the reporting burden for a prior notice submitted through PNSI to be 23 minutes, or 0.384 hour, per notice, for a total burden of 725,760 hours.

FDA received 7,265 cancellations of prior notices through ABI/ACS during 2014; 7,910 during 2015; and 5,948 during 2016. Based on this experience, the Agency estimates that approximately 7,040 users of ABI/ACS will submit an average of 1 cancellation annually, for a total of 7,040 cancellations received annually through ABI/ACS. FDA estimates the reporting burden for a cancellation submitted through ABI/ACS to be 15 minutes, or 0.25 hour, per cancellation, for a total burden of 1,760 hours.

FDA received 36,324 cancellations of prior notices through PNSI during 2014; 39,553 during 2015; and 29,743 during 2016. Based on this experience, the Agency estimates that approximately 35,208 registered users of PNSI will submit an average of 1 cancellation annually, for a total of 35,208 cancellations received annually. FDA estimates the reporting burden for a cancellation submitted through PNSI to be 15 minutes, or 0.25 hour, per cancellation, for a total burden of 8,802 hours.

FDA has not received any requests for review under § 1.283(d) or § 1.285(j) in the last 3 years; therefore, the Agency estimates that one or fewer requests for review will be submitted annually. FDA estimates that it will take a requestor about 8 hours to prepare the factual and legal information necessary to prepare a request for review. Thus, the Agency has estimated a total reporting burden of 8 hours.

FDA received 235 post-hold submissions under § 1.285(i) during 2014; 218 during 2015; and 337 during 2016. Based on this experience, the Agency estimates that 263 post-hold submissions under § 1.285(i) will be submitted annually. FDA estimates that it will take about 1 hour to prepare the written notification described in § 1.285(i)(2)(i). Thus, the Agency estimates a total reporting burden of 263 hours.

Dated: May 18, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–10712 Filed 5–24–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0094]

Agency Information Collection Activities; Proposed Collection; Comment Request; Channels of Trade Policy for Commodities With Residues of Pesticide Chemicals, for Which Tolerances Have Been Revoked, Suspended, or Modified by the Environmental Protection Agency Pursuant to Dietary Risk Considerations

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension/reinstatement of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of FDA's guidance for industry entitled ''Channels of Trade Policy for Commodities With Residues of Pesticide Chemicals, for Which Tolerances Have Been Revoked, Suspended, or Modified by the Environmental Protection Agency Pursuant to Dietary Risk Considerations.''

DATES: Submit either electronic or written comments on the collection of information by July 24, 2017.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2008–N–0094 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Channels of Trade Policy for Commodities With Residues of Pesticide Chemicals, for Which Tolerances Have Been Revoked, Suspended, or Modified by the Environmental Protection Agency Pursuant to Dietary Risk Considerations.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at

https://www.regulations.gov or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Channels of Trade Policy for Commodities With Residues of Pesticide Chemicals, for Which Tolerances Have Been Revoked, Suspended, or Modified by the Environmental Protection Agency Pursuant to Dietary Risk Considerations—OMB Control Number 0910–0562—Extension

The Food Quality Protection Act of 1996, which amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (the FD&C Act), established a new safety standard for pesticide residues in food, with an emphasis on protecting the health of infants and children. The Environmental Protection Agency (EPA) is responsible for regulating the use of pesticides (under FIFRA) and for establishing tolerances or exemptions from the requirement for tolerances for residues of pesticide chemicals in food commodities (under the FD&C Act). EPA may, for various reasons, *e.g.,* as part of a systematic review or in response to new information concerning the safety of a specific pesticide, reassess whether a tolerance for a pesticide residue continues to meet the safety standard in section 408 of the FD&C Act (21 U.S.C. 346a). When EPA determines that a pesticide's tolerance level does not meet that safety standard, the registration for the pesticide may be canceled under FIFRA for all or certain uses. In addition, the tolerances for that pesticide may be lowered or revoked for the corresponding food commodities. Under section 408(l)(2) of the FD&C Act, when the registration for a pesticide is canceled or modified due to, in whole or in part, dietary risks to humans posed by residues of that pesticide chemical on food, the effective date for the revocation of such tolerance (or exemption in some cases) must be no later than 180 days after the date such cancellation becomes effective or 180 days after the date on which the use of the canceled pesticide becomes unlawful under the terms of the cancellation, whichever is later.

When EPA takes such actions, food derived from a commodity that was lawfully treated with the pesticide may not have cleared the channels of trade by the time the revocation or new tolerance level takes effect. The food could be found by FDA, the Agency that is responsible for monitoring pesticide residue levels and enforcing the pesticide tolerances in most foods (the U.S. Department of Agriculture has responsibility for monitoring residue levels and enforcing pesticide tolerances in egg products and most meat and poultry products), to contain a residue of that pesticide that does not comply with the revoked or lowered tolerance. We would normally deem such food to be in violation of the law by virtue of it bearing an illegal pesticide residue. The food would be subject to FDA enforcement action as an ''adulterated'' food. However, the channels of trade provision of the FD&C Act addresses the circumstances under which a food is not unsafe solely due to the presence of a residue from a pesticide chemical for which the tolerance has been revoked, suspended, or modified by EPA. The channels of trade provision (section 408 (l)(5) of the FD&C Act) states that food containing a residue of such a pesticide shall not be deemed ''adulterated'' by virtue of the residue, if the residue is within the former tolerance, and the responsible party can demonstrate to FDA's satisfaction that the residue is present as the result of an application of the pesticide at a time and in a manner that were lawful under FIFRA.

In the **Federal Register** of May 18, 2005 (70 FR 28544), we announced the availability of a guidance document entitled ''Channels of Trade Policy for Commodities With Residues of Pesticide Chemicals, for Which Tolerances Have Been Revoked, Suspended, or Modified by the Environmental Protection Agency Pursuant to Dietary Risk

Considerations.'' The guidance represents FDA's current thinking on its planned enforcement approach to the channels of trade provision of the FD&C Act and how that provision relates to FDA-regulated products with residues of pesticide chemicals for which tolerances have been revoked, suspended, or modified by EPA under dietary risk considerations. The guidance can be found at the following link: *http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/ChemicalContaminantsMetalsNaturalToxinsPesticides/ucm077918.htm.* We anticipate that food bearing lawfully applied residues of pesticide chemicals that are the subject of future EPA action to revoke, suspend, or modify their tolerances, will remain in the channels of trade after the applicable tolerance is revoked, suspended, or modified. If we encounter food bearing a residue of a pesticide chemical for which the tolerance has been revoked, suspended, or modified, we intend to address the situation in accordance with provisions of the guidance. In general, we anticipate that the party responsible for food found to contain pesticide chemical residues (within the former tolerance) after the tolerance for the pesticide chemical has been revoked, suspended, or modified will be able to demonstrate that such food was handled, *e.g.,* packed or processed, during the acceptable timeframes cited in the guidance by providing appropriate documentation to FDA as discussed in the guidance document. We are not suggesting that firms maintain an inflexible set of documents where anything less or different would likely be considered unacceptable. Rather, we are leaving it to each firm's discretion to maintain appropriate documentation to demonstrate that the food was so handled during the acceptable timeframes.

Examples of documentation that we anticipate will serve this purpose consist of documentation associated with packing codes, batch records, and inventory records. These are types of documents that many food processors routinely generate as part of their basic food-production operations. Accordingly, under the PRA, we are requesting the extension of OMB approval for the information collection provisions in the guidance.

Description of Respondents: The likely respondents to this collection of information are firms in the produce and food processing industries that handle food products that may contain residues of pesticide chemicals after the tolerances for the pesticide chemicals have been revoked, suspended, or modified.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Submission of documentation	1	1	1	3	3

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We expect the total number of pesticide tolerances that are revoked, suspended, or modified by EPA under dietary risk considerations in the next 3 years to remain at a low level, as there have been no changes to the safety standard for pesticide residues in food since 1996. Thus, we expect the number of submissions we will receive under the guidance document will also remain at a low level. However, to avoid counting this burden as zero, we have estimated the burden at one respondent making one submission a year for a total of one annual submission.

We based our estimate of the hours per response on the assumption that the information requested in the guidance is readily available to the submitter. We expect that the submitter will need to gather information from appropriate persons in the submitter's company and to prepare this information for submission to FDA. The submitter will almost always merely need to copy existing documentation. We believe that this effort should take no longer than 3 hours per submission.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Develop documentation process	1	1	1	16	16

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

In determining the estimated annual recordkeeping burden, we estimated that at least 90 percent of firms maintain documentation, such as packing codes, batch records, and inventory records, as part of their basic food production or import operations. Therefore, the recordkeeping burden was calculated as the time required for the 10 percent of firms that may not be currently maintaining this documentation to develop and maintain documentation, such as batch records and inventory records. In previous information collection requests, this recordkeeping burden was estimated to be 16 hours per record. We have retained our prior estimate of 16 hours per record for the recordkeeping burden. As shown in table 1 of this document, we estimate that one respondent will make one submission per year. Although we estimate that only 1 out of 10 firms will not be currently maintaining the necessary documentation, to avoid counting the recordkeeping burden for the 1 submission per year as 1/10 of a recordkeeper, we estimate that 1 recordkeeper will take 16 hours to develop and maintain documentation recommended by the guidance.

Dated: May 18, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–10710 Filed 5–24–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2013–N–1423; FDA–2013–N–0730; FDA–2012–N–0977; FDA–2013–N–0557; FDA–2009–N–0380; FDA–2013–N–0514; FDA–2013–N–0190; FDA–2010–D–0350; FDA–2016–N–0538; FDA–2013–N–1428]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approvals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of information collections that have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, FDA PRA Staff, Office of Operations, Food and Drug Administration, Three White Flint North, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The following is a list of FDA information collections recently approved by OMB under section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). The OMB control number and expiration date of OMB approval for each information collection are shown in table 1. Copies of the supporting statements for the information collections are available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.* An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

TABLE 1—LIST OF INFORMATION COLLECTIONS APPROVED BY OMB

Title of collection	OMB control No.	Date approval expires
Importer's Entry Notice	0910–0046	12/31/2019
Threshold of Regulation for Substances Used in Food-Contact Articles	0910–0298	12/31/2019
Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents	0910–0312	12/31/2019
Postmarket Surveillance of Medical Devices	0910–0449	12/31/2019
Product Jurisdiction: Assignment of Agency Component for Review of Premarket Applications	0910–0523	12/31/2019
Administrative Procedures for Clinical laboratory Improvement Amendments of 1988 Categorization (42 CFR 493.17)	0910–0607	12/31/2019
Requirements under the Comprehensive Smokeless Tobacco Health Education Act of 1986; as amended by the Family Smoking Prevention and Tobacco Control Act	0910–0671	12/31/2019
Guidance for Industry on Tobacco Retailer Training Programs	0910–0745	12/31/2019
Animation in Direct-to-Consumer Advertising	0910–0826	12/31/2019
Guidance for Industry: Electronic Drug Product Reporting for Human Drug Compounding Outsourcing Facilities Under Section 503B of the Federal Food, Drug, and Cosmetic Act	0910–0827	12/31/2019

Dated: May 18, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–10711 Filed 5–24–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Toxicology Program Board of Scientific Counselors; Announcement of Meeting; Request for Comments; Amended Notice

SUMMARY: This notice amends **Federal Register** notice 82 FR 20484, published May 2, 2017, announcing the National Toxicology Program (NTP) Board of Scientific Counselors (BSC) meeting and requesting comments. The deadline for registration has been changed to June 29, 2017. The BSC will provide input to the NTP on programmatic activities and issues. The preliminary agenda has been updated and topics include reports from the NIEHS/NTP Director and NTP Associate Director, and presentations on programmatic activities including NTP efforts and challenges toward studying real world exposures and a state of the science evaluation of transgenerational inheritance of health effects. This meeting will also provide opportunity for input on an effort being coordinated by the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) to explore new approaches for evaluating the safety of chemicals and medical products in the United States. All other information in the original notice has not changed. Interested individuals should visit the meeting Web page to stay abreast of agenda topics and other arrangements for the meeting. Information about the meeting and registration is available at *http://ntp.niehs.nih.gov/go/165.*

DATES: Meeting: June 29, 2017; it begins at 8:30 a.m. Eastern Standard Time (EST) until adjournment.

Dated: May 11, 2017.

John R. Bucher,

Associate Director, National Toxicology Program.

[FR Doc. 2017–10695 Filed 5–24–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICE

Substance Abuse and Mental Health Services Administration

Protecting Our Infants Act Report to Congress: Summary of Public Comment and Final Strategy

AGENCY: Substance Abuse and Mental Health Services Administration (SAMHSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) in the Department of Health and Human Services (HHS) announces the release of the ''Protecting Our Infants Act: Final Strategy'' in response to sections 3(a)(2) and 3(b) of the Protecting Our Infants Act of 2015 (POIA). The POIA mandated HHS to: conduct a review of planning and coordination activities related to prenatal opioid exposure and neonatal abstinence syndrome; develop recommendations for the identification, prevention, and treatment of prenatal opioid exposure and neonatal abstinence syndrome; and develop a strategy to address gaps, overlap, and duplication among Federal programs and Federal coordination efforts to address neonatal abstinence syndrome. The Protecting Our Infants Act: Report to Congress which satisfied these requirement was made available January 17, 2017, through February 21, 2017, for public comment in the following docket SAMHSA–2016–0004–0001. As a result of the public comments, summarized below, several recommendations were added to the original strategy and others expanded. The Final Strategy can be read and downloaded at *https://www.samhsa.gov/specific-populations/age-gender-based#poia.*

FOR FURTHER INFORMATION CONTACT: Melinda Campopiano, MD, Chief Medical Officer, Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, 13E49, Rockville, MD, 20852. Email: *Melinda.campopiano@samhsa.hhs.gov.* Phone: (240)276–2701

SUPPLEMENTARY INFORMATION: *Inspection of Public Comments:* All comments, including any personally identifiable or confidential business information that is included in a comment, received during the comment period are available for viewing by the public in the public docket.

Background: The POIA mandated HHS to: (1) conduct a review of planning and coordination activities related to prenatal opioid exposure and neonatal abstinence syndrome (Section 2(a) of the Act); (2) develop recommendations for the identification, prevention, and treatment of prenatal opioid exposure and neonatal abstinence syndrome (Section 3 of the Act); and (3) develop a strategy to address gaps, overlap, and duplication among Federal programs and Federal coordination efforts to address neonatal abstinence syndrome (Section 2(b) of the Act). The POIA is available at: *https://www.congress.gov/114/plaws/publ91/PLAW-114publ91.pdf.*

In response to the requirements of the POIA, ''The Protecting Our Infants Act: Report to Congress'' was released January 17, 2017. The report provided background information on prenatal opioid exposure and neonatal abstinence syndrome (Part 1), summarized HHS activities related to prenatal opioid exposure and neonatal abstinence syndrome (Part 2), presented clinical and programmatic evidence and recommendations for preventing and treating neonatal abstinence syndrome (Part 3), and presented a strategy to address the identified gaps, challenges, and recommendations (Part 4).

As required in Section 2(b) of POIA, public comment was sought on ''Part 4: Strategy to Protect Our Infants.'' All comments, including any personally identifiable or confidential business information that is included in a comment, received during the comment period are available for viewing by the public in this docket. The comments and corresponding changes to the strategy are summarized in this notice, below. The Protecting Our Infants Act: Final Strategy can be read and downloaded at *https://www.samhsa.gov/specific-populations/age-gender-based#poia.*

Summary of Public Comment: A total of 22 comments were received. The majority were both favorable and relevant. This is a summary of the relevant public comments. It is organized according to the same three sections included in Part 4 of the report: Prevention, Treatment, and Services. It also includes a brief section in which global comments are reviewed. Examples of comments outside the scope of the original FRN that are not included in this summary, include discussion of: The statute itself, current unresolved policy issues related to health care access, decriminalization of drug use, specific state policies or laws outside the purview of the federal government, and comments on sections of the report other than the strategy.

Prevention

Prevention-related comments were received on the topic of pain management. These comments urged that education and awareness efforts address opportunities to prevent and treat pain in preconception and pregnancy. Commenters pointed out that the same types of barriers, such as coverage limits and requirements for prior authorization that impede access to substance use disorder treatment, also limit access to alternative treatments for pain. The wider use of these alternatives may ultimately reduce the numbers of opioid-exposed pregnancies and neonatal opioid withdrawal syndrome (NOWS). The following language was added to the programs and services section of the prevention strategy (Table 11 of the final strategy) to address this comment: ''Provide access to effective and alternative treatment options for pain prior to conception and during pregnancy and breastfeeding.''

One comment urged exploration of primary prevention strategies of benefit to women and infants at risk for NOWS and described important elements of primary prevention strategies such as social determinants of health, opioid prescribing practices, the need for care coordination and increased capacity for behavioral, general medical, and gynecologic health services. Language corresponding to this comment was not added to the strategy because these comments, while relevant to opioid use disorder (OUD) in general, are not directly related to opioid use during pregnancy. Suggestions were provided on ways to strengthen data collection and close existing gaps. Language capturing these suggestions was not added to the document because similar activities are currently underway within HHS, as described in Part 2 of the report.

Treatment

Comments with regard to treatment urged that comprehensive, integrated services be emphasized, that services such as smoking cessation be tailored to pregnant women, and that all substance use disorder (SUD) treatment continue for one year postpartum. The words ''from preconception through pregnancy and one year postpartum'' were added to a recommendation in the programs and services section of the treatment strategy (Table 12 of the final strategy) to reflect these comments. The recommendation now reads: ''Support continuation of treatment for SUD from preconception through pregnancy and one year postpartum and tailor

medication assisted treatment according to parental need.''

Commenters reaffirmed the need for research into pain management during pregnancy for women either with or without OUD. One asked that research into pain management during labor and delivery and postpartum for women with OUD be conducted. A recommendation in the research section of the treatment strategy (Table 12 of the final strategy) was revised to reflect these comments. It now reads: ''Research effective non-pharmacologic and non-opioid pharmacotherapies for pain management during pregnancy, labor and delivery, post-partum care and breastfeeding for women with chronic pain or opioid use disorder.''

Another commenter recommended the scope of the recommendation ''Determine the safety and effectiveness of naltrexone use during pregnancy and breastfeeding'' be expanded to include naloxone in both the strategies for prevention and treatment. Language was added to this recommendation in the treatment strategy (Table 12 of the final strategy) but not the prevention strategy. It was not included in the prevention section because naloxone does not have a role in preventing or reducing prenatal substance exposure. The recommendation now reads: ''Determine the safety and effectiveness of naltrexone and naloxone when combined with buprenorphine use during pregnancy and breastfeeding.''

Many commenters sought to reinforce specific elements of the strategy, refine broad research recommendations with more specific research questions, or inform how the recommendations might best be carried out. For example, a group of commenters emphasized ''the need for additional research into the impact on the fetus of drugs taken during pregnancy . . . especially when exposure is concurrent with opioids.'' There was a request for greater research on whether a subgroup of women at sufficiently low risk of relapse could be identified and detoxified safely and reliably and for more research on the impact of detoxification on the fetus. There was also a request for greater research on the most effective pharmacotherapy for infants with neonatal abstinence syndrome (NAS) and or NOWS. These comments reinforced or elaborated upon existing recommendations in the strategy and therefore the strategy was not edited to reflect them.

Services

Several commenters raised concerns about criminal penalties experienced by pregnant and parenting women with substance use disorder and the uncertain benefit and unknown consequences of removing children from their parents due to prenatal substance exposure. This comment best summarizes the range of strategies suggested by the various comments:

> The current opioid epidemic is resulting in numerous referrals to and removals by the child welfare system. . . . But, since the primary purpose of the child welfare system is to investigate reports of abuse and neglect, child welfare workers often lack the appropriate training and resources to effectively address substance use disorders. . . . more research and resources are needed to help the child welfare system facilitate linkages to treatment and promote recovery for mothers with addiction.

Another commenter pointed out that there is a ''non-evidence based assumption that removing children from women who use substances during pregnancy protects the child'' and several urged research into the risks and benefits of child removal due to prenatal substance exposure be added to the strategy. Two recommendations were added to the services strategy (Table 13 of the final strategy). First, ''Collect data on the welfare of substance exposed children who are removed from their families versus those remaining with a mother receiving supportive interventions'' was added to data collection. Second, ''Promote training and resources for child welfare workers to effectively address SUD and prenatal substance exposure, facilitate linkages to treatment, and promote recovery for mothers with SUD'' was added to the education section.

General Comments

A group of commenters noted that the strategy would be improved by greater synthesis of the recommendations and the definition of clear goals with associated metrics. There are several reasons why goals and metrics are not specified. First, the generally limited and inconsistent data collection described in the report currently precludes establishment of a national baseline upon which metrics can be established. Second, the establishment of goals and metrics is further complicated by the fact that for pregnant women with OUD, the most effective intervention to promote optimal outcomes for both mother and child is the provision of medication assisted treatment with an opioid agonist, which itself carries a risk of NOWS. As a result, reduction in the number of cases of NOWS is not a meaningful goal even if NOWS, as distinct from NAS, could be measured accurately. As a result, no changes were made to the strategy based on these comments.

Supporting and Related Material in the Docket: The information provided includes:

(1) The Report
(2) The Final Strategy
(3) Public Comments

Summer King,
Statistician.

[FR Doc. 2017–10735 Filed 5–24–17; 8:45 am]
BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: Participant Feedback on Training Under the Cooperative Agreement for Mental Health Care Provider Education in HIV/AIDS Program (OMB No. 0930–0195)—Extension

The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services (CMHS) intends to continue to conduct a multi-site assessment for the Mental Health Care Provider Education in HIV/AIDS Program. There are no changes to the forms or the burden hours.

The education programs are funded under a cooperative agreement that are designed to disseminate knowledge of the psychological and neuropsychiatric sequelae of HIV/AIDS to both traditional (*e.g.,* psychiatrists, psychologists, nurses, primary care physicians, medical students, and social workers) and non-traditional (*e.g.,* clergy, and alternative health care workers) first-line providers of mental health services, in particular to providers in minority communities.

The multi-site assessment is designed to assess the effectiveness of particular training curricula, document the integrity of training delivery formats, and assess the effectiveness of the various training delivery formats. Analyses will assist CMHS in

documenting the numbers and types of traditional and non-traditional mental health providers accessing training; the content, nature and types of training participants receive; and the extent to which trainees experience knowledge, skill and attitude gains/changes as a result of training attendance. The multi-site data collection design uses a two-tiered data collection and analytic strategy to collect information on (1) the organization and delivery of training, and (2) the impact of training on participants' knowledge, skills and abilities.

The annual burden estimates for this activity are shown in the table below.

ANNUAL BURDEN ESTIMATE

Annualized Burden Estimates and Costs					
Mental Health Care Provider Education in HIV/AIDS Program (10 sites)					
Form	Number of respondents	Responses per respondent	Total responses	Hours per response	Total hour burden
All Sessions One form per session completed by program staff/trainer					
Session Report Form	600	1	600	0.08	48
Participant Feedback Form (General Education)	5,000	1	5,000	0.167	835
Neuropsychiatric Participant Feedback Form	4,000	1	4,000	0.167	668
Adherence Participant Feedback Form	1,000	1	1,000	0.167	167
Ethics Participant Feedback Form	2,000	1	2,000	0.167	125
Total	12,600		12,600		1,843

Written comments and recommendations concerning the proposed information collection should be sent by June 26, 2017 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov.* Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2017–10734 Filed 5–24–17; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2017–N069; FXIA16710900000–167–FF09A30000]

Agency Information Collection Activities: OMB Control Number 1018–0093; Federal Fish and Wildlife Permit Applications and Reports—Management Authority

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (U.S. Fish and Wildlife Service) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This IC is scheduled to expire on May 31, 2017. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: To ensure that we are able to consider your comments on this IC, we must receive them by June 26, 2017.

ADDRESSES: Send your comments and suggestions on this information collection to the Desk Officer for the Department of the Interior at OMB–OIRA at (202) 395–5806 (fax) or *OIRA_Submission@omb.eop.gov* (email). Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: BPHC, Falls Church, VA 22041–3803 (mail); or *info_coll@fws.gov* (email). Please include ''1018–0093'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Service Information Collection Clearance Officer, at *info_coll@fws.gov* (email) or (703) 358–2503 (telephone).

SUPPLEMENTARY INFORMATION:

I. Abstract

This information collection covers permit applications and reports that our Division of Management Authority uses to determine the eligibility of applicants for permits requested in accordance with the criteria in various Federal wildlife conservation laws and international treaties. Service regulations implementing these statutes and treaties are in chapter I, subchapter B of title 50, Code of Federal Regulations (CFR). These regulations stipulate general and specific requirements that, when met, allow us to issue permits to authorize activities that are otherwise prohibited.

Information collection requirements associated with the Federal fish and wildlife permit applications and reports are currently approved under three different OMB control numbers: 1018–0093, ''Federal Fish and Wildlife Permit Applications and Reports—Management Authority; 50 CFR 12, 13, 14, 15, 16, 17, 18, 21, 23''; 1018–0150, ''Renewal of CITES Registration of Commercial Breeding Operations for Appendix I Wildlife and Other CITES

Requirements, 50 CFR 17 and 23''; and 1018–0164, ''Import of Sport-Hunted African Elephant Trophies, 50 CFR 17.'' In this revision of 1018–0093, we will include all of the information collection requirements associated with all three OMB Control Numbers. If OMB approves this revision, we will discontinue OMB Control Numbers 1018–0150 and 1018–0164.

II. Data

OMB Control Number: 1018–0093.

Title: Federal Fish and Wildlife Permit Applications and Reports—Management Authority; 50 CFR 12, 13, 14, 15, 16, 17, 18, 21, 23.

Form Numbers: FWS Forms 3–200–19 through 3–200–37, 3–200–39 through 3–200–44, 3–200–46 through 3–200–53, 3–200–58, 3–200–61, 3–200–64 through 3–200–66, 3–200–69, 3–200–70, 3–200–73 through 3–200–76, 3–200–80, and 3–200–85 through 3–200–88.

Type of Request: Revision of a currently approved collection.

Description of Respondents: Individuals; biomedical companies; circuses; zoological parks; botanical gardens; nurseries; museums; universities; antique dealers; exotic pet industry; hunters; taxidermists; commercial importers/exporters of wildlife and plants; freight forwarders/brokers; and State, tribal, local, and Federal governments.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Estimated Number of Annual Responses: 7,902.

Estimated Completion Time per Response: Varies from 15 minutes to 40 hours, depending on activity.

Estimated Annual Burden Hours: 5,620.

Estimated Annual Nonhour Burden Cost: $519,903 for costs associated with application processing fees, which range from $0 to $250. There is no fee for reports. Federal, tribal, State, and local government agencies and those acting on their behalf are exempt from processing fees.

III. Comments

On February 24, 2017, we published in the **Federal Register** (82 FR 11596) of our intent to request that OMB approve this information collection. In that notice, we solicited comments for sixty (60) days, ending on April 25, 2017. We received five comments in response to that Notice:

Comment 1: Email Comment Dated 04/21/2017 from Conservation Force: We received a comment from Conservation Force on April 21, that provided a number of suggestions regarding trophy applications (3–200–19, 3–200–20, 3–200–21, and 3–200–22) and applications under the U.S. Endangered Species Act for captive-breeding and take (3–200–37 and 3–200–41). The commenter was concerned the Service would reject applications that were expired or soon to expire. They also discuss various items that they believe should be updated or omitted. The commenter has raised questions on why the Service was requesting applicant's social security numbers. Furthermore, they were concerned that the purposes for why some applicants, particularly hunting ranches, were requesting authorization under the Endangered Species Act were not clearly outlined on the application and confusing to applicants. They end with a statement of the need for an electronic permitting system.

FWS Response to Comment 1: The Service has addressed many of the issues raised by the commenter. Over one year ago, the Service discontinued capturing applicant's social security numbers in our permitting database, so have removed the question requesting this information from the application forms. The Service agrees with the commenter regarding eliminating the need to a description of the trophy being imported and has removed that question from forms 3–200–19, 3–200–20, 3–200–21, and 3–200–22. The Service recognizes the commenter's concern that some applicants may be confused by some questions and has simplified the application to request information in a clearly manner to meet the needs for a variety of permitting situations. In an effort to provide better outreach to applicants, the Service is committed to developing web-based material to provide greater insight to the permitting process than may be available on the face of any one application form. Finally, the Service appreciates the commenter's suggestions for improving the application process and are working on an e-permits issuing system.

Comment 2: Email Comment Dated 04/25/2017 from The Humane Society of the United States, Humane Society International, and The Humane Society Legislative Fund (combined response): The Humane Society of the United States (HSUS), Humane Society International (HIS), The Humane Society Legislative Fund expressed that the information collected by the Service is all necessary for the Service to implement its regulations. They support the current information collection and expressed the need to continue to collect the information to ensure the proper implementation of CITES and FWS regulations. They also expressed that the current information collection provides a benefit to the public since much of the collected information is available through the Freedom of Information Act providing the public an opportunity to better monitor activities that involved species that are protected under CITES, the ESA, and other laws. The commenters did not provide any specific recommendations to improve the information collection, however.

FWS Response to Comment 2: The Service appreciates the commenters' statement, but given that the comments did not address specific issues that would improve the application forms themselves or the burden placed on applicants. Therefore, we have no additional response to the comments.

Comment 3: Email Comment Dated 04/21/2017 from the League of American Orchestras: The commenter represents over 800 nonprofit organizations within the United States that support or operate symphonies, community orchestras, summer musical festivals, and student/youth ensembles. Many of the commenter's members participate in international performances and therefore must obtain permits to move instruments that contain listed species. Most of the comments submitted deal more with the underlying regulations and U.S. obligations under CITES than with the permit applications themselves. The commenter requested that the Service work to eliminate or reduce the permitting requirements established under CITES. The commenter did state that the estimated completion time burden of 0.5 hour did not accurately reflect the time required for some orchestras to complete application form 3–200–88. The commenter stated that its members are, for the most part, new to the permitting process and unfamiliar with the documentation requirements needed to complete the application form. As with the other commenters, this commenter raised the need for an electronic permitting system to streamline submission of applications.

FWS Response to Comment 3: The Service has been actively working with the commenter and its members for several years to help education them on the permitting requirements under CITES and the application process. While most of the comments provided by this commenter are outside the information collection process, the Service will take them into advisement as we move forward in our efforts to address outstanding issues within the CITES community. The Service recognizes and, on many points made by the commenter, support the need for changes within the CITES context. In

regards to the estimated completion time burden, the Service recognizes that many of the applicants that fill out form 3–200–88 are large orchestras that may have multiple instruments that need to be exported. While the Service believes that each musician involved in the orchestra or, if the instruments are owned by the orchestra itself, should have all of the relevant information about their instruments readily available, it may take longer to compile all of the information than we initially estimated to complete the application form. Therefore, we are increasing our estimated time burden to 1.5 hours. Lastly, as with the previous commenters, the Service supports the concept of creating an electronic permitting system and is actively working on that endeavor at this time.

Comment 4: Email Comment Dated 04/21/2017 from the National Association of Music Merchants: The commenter represents over 900 members in the United States and 100 other countries, many of which are involved in the commercial trade of products recently regulated by CITES. Due to the recent listing of the affected timber species, many members are unfamiliar with the Service's permitting process. The commenter requested that the Service provide greater clarity of the need for permits due to the recent CITES listing and the permitting process.

The commenter requested more detailed instructions as to the document requirements to conduct legal international business with products manufactured with listed wood species and greater recognition on the part of the Service on how the permitting process affects the commenter's members. Finally, the commenter requesting that an electronic permitting system be developed to streamline the permitting process.

FWS Response to Comment 4: The Service has been actively working with the commenter and its members since the timber species were listed on CITES and the impact that the permitting process would have on international trade carried out by the commenter's members. The Service had modified the proposed applications to provide greater clarity and to make the applications more user-friendly. Several of the commenter's statements go outside this specific information collection process, but will be take the comments into consideration in other actions taken by the Service.

Comment 5: Email Comment Dated 04/21/2017 from Taylor Guitars: Taylor Guitars addressed several factors that they stated affects their business process in order to export finish guitars. Taylor raised concerns about the permit application processing by the Service once an application is submitted to the Service. They were specifically concerned that how the Service reviews submitted applications and the permits issued creates a burden for Taylor to carry out the business as they did before a recent listing of a number of timber species in January 2017 under CITES. Taylor also raised issues that when the Service considers the time and cost burdens that applicants/permittees face when carrying out export business, particularly in regards to the cost of applying for a permit and the cost of clearance at the port of export. Taylor also recommended several ways to reduce the application burden. As with other commenters, Taylor suggested that the Service implement an electronic application process. Taylor also recommended that the Service consider establishing a permitting process for applicants that they would consider to be ''low risk exporters''. This process would combine both the permit application process and the clearance process at the port.

FWS Response to Comment 5: Most of the comments provided by Taylor addressed the application process and the clearance process, not the application forms themselves or how those forms could be revised to improve the information collection. Taylor raised several aspects that would require specific rulemakings to address the Service's current regulatory structure and the implementation of CITES. The Service will take these comments into consideration as we consider revisions to our current regulations. The Service is, as stated previously, currently developing electronic applications that would allow applicants to supply permit applications electronically and pay the application fee online. This process, once in place, should allow for a smoother application process in regards to submissions and subsequent communication with the application.

We again invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- 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.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

IV. Authorities

The authorities for this action are the Endangered Species Act (16 U.S.C. 1531 *et seq.*), the Migratory Bird Treaty Act (16 U.S.C. 704), the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*), the Wild Bird Conservation Act (16 U.S.C. 4901–4916), Lacey Act: Injurious Wildlife (18 U.S.C. 42), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249), and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: May 22, 2017.

Madonna L. Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2017–10702 Filed 5–24–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Docket No. ONRR–2012–0003; DS63602000 DR2000000.PX8000 178D0102R2]

U.S. Extractive Industries Transparency Initiative (USEITI) Advisory Committee; Postponement of Meeting

AGENCY: Office of the Secretary, Office of Natural Resources Revenue, Interior.

ACTION: Notice.

SUMMARY: The June 2017 United States Extractive Industries Transparency Initiative Advisory Committee meeting has been postponed.

DATES: The meeting was scheduled for June 7–8, 2017, in Washington, DC, and will be rescheduled at a later date. We will publish a future notice with a new meeting date and location.

FOR FURTHER INFORMATION CONTACT: Judith Wilson, Program Manager, 1849 C Street NW., MS 4211, Washington, DC 20240. You may also contact the USEITI

Secretariat via email at *useiti@ios.doi.gov,* by phone at 202–208–0272, or by fax at 202–513–0682.

SUPPLEMENTARY INFORMATION: The U.S. Department of the Interior established the USEITI Advisory Committee on July 26, 2012, to serve as the USEITI multi-stakeholder group. Additional information is available in the meeting notice published on December 29, 2016 (81 FR 96032).

Authority: 5 U.S.C. Appendix 2.

Gregory J. Gould,

Director—Office of Natural Resources Revenue.

[FR Doc. 2017–10720 Filed 5–24–17; 8:45 am]

BILLING CODE 4335–30–P

INTERNATIONAL TRADE COMMISSION

Petitions for Duty Suspensions and Reductions: Notice That the Commission Will Accept Additional Comments Through Its Web Site Relating to Certain Petitions Included in Its Preliminary Report to the Congress

AGENCY: United States International Trade Commission.

ACTION: Notice that the Commission will accept additional comments from the public on certain petitions for duty suspensions and reductions included in its preliminary report to the House Committee on Ways and Means and the Senate Committee on Finance.

SUMMARY: The Commission intends to provide a limited opportunity for members of the public to submit additional comments on certain petitions for duty suspensions and reductions. Under the American Manufacturing Competitiveness Act of 2016 (the Act), the Commission will submit a preliminary report on the petitions for duty suspensions and reductions that have been filed with it to the House Ways and Means Committee and the Senate Finance Committee on June 9, 2017.

In that report, the Commission will categorize petitions as (a) petitions that meet the requirements of the Act with or without modification (Category I, II, III, or IV petitions), (b) petitions that do not contain the information required by the Act or that were not filed by a likely beneficiary (Category V petitions), and (c) petitions that the Commission does not recommend for inclusion in a miscellaneous tariff bill (Category VI petitions). The Commission has decided that it will accept additional comments from the public on any petitions that are listed as Category VI petitions for a ten day period beginning on June 12, 2017, at 8:45 a.m. As provided below, all such comments must be submitted to the Commission electronically through the Commission Web site *https://www.usitc.gov/mtbps.* The Commission will not accept comments filed in paper form or in any other form or format.

DATES: June 12, 2017, 8:45 a.m. EST: Opening date and time for submission of additional comments on Category VI petitions.

June 21, 2017, 5:15 p.m. EST: Closing date and time for submission of comments on Category VI petitions.

ADDRESSES: All Commission offices are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. The public file for this proceeding may be viewed on the Commission's MTBPS at *https://www.usitc.gov/mtbps.*

FOR FURTHER INFORMATION CONTACT: For general inquiries, contact Jennifer Rohrbach at *mtbinfo@usitc.gov.* For filing inquiries, contact the Office of Secretary, Docket Services division, U.S. International Trade Commission, telephone (202) 205–3238. The media should contact Peg O'Laughlin, Public Affairs Officer (202–205–1819 or *margaret.olaughlin@usitc.gov*). General information concerning the Commission may be obtained by accessing its internet server (*https://www.usitc.gov*).

SUPPLEMENTARY INFORMATION:

Background: The American Manufacturing Competitiveness Act of 2016 (the Act), Public Law 114–159, May 20, 2016, 19 U.S.C. 1332 note, established a new process for the submission and consideration of requests for temporary duty suspensions and reductions. As required by the Act, the Commission initiated the new process by publishing a notice in the **Federal Register** permitting members of the public to submit petitions of duty suspensions and reductions to the Commission for a 60-day period beginning October 14, 2017. (See 81 FR 71114 (Oct. 14, 2017)). After the window for filing petitions closed on December 12, 2017, the Commission published, as required by the Act, a notice in the **Federal Register** announcing publication on its Web site of the petitions for duty suspensions and reductions that were submitted to the Commission and not withdrawn. (82 FR 3357 (Jan. 11, 2017)). The notice invited members of the public to submit comments on these petitions during a 45-day period, which ended February 24, 2017.

Pursuant to the Act, the Commission is required to submit preliminary and final reports on the petitions to the House Committee on Ways and Means and the Senate Committee on Finance (the Committees). The Commission's preliminary report is due to the Committees on June 9, 2017. In its preliminary report to the Committees, the Commission must evaluate whether petitions meet the requirements of the Act and should be included in an omnibus miscellaneous tariff bill.

In preparing its report, the Act requires that the Commission take into account the report of the Secretary of Commerce, issued April 10, 2017. In the report, the Secretary analyzed, for each petition, whether there was domestic production of the article that was the subject of a petition, and if so, whether a domestic producer of the article objected to the petition. In the report, based on consultations with Customs and Border Protection, the Secretary also recommended whether any technical changes were necessary to make each petition's article description administrable.

In its preliminary report, the Commission must place these petitions into one of six categories. Specifically, the Commission must categorize each petition as (a) a petition that meets the requirements of the Act without modification (Category I petition), (b) a petition that meets the requirements of the Act with certain modifications (Category II, III or IV petitions), (c) a petition that does not contain the information required by the Act or was not filed by a likely beneficiary (Category V petition), or (d) a petition that the Commission does not recommend for inclusion in a miscellaneous tariff bill (Category VI petition).

The Commission has decided to re-open its Web site portal for the limited purpose of allowing members of the public to submit comments on petitions that have been categorized as Category VI petitions in its preliminary report. The Commission will re-open the portal for this limited purpose on June 12, 2017 at 8:45 a.m. and will close the portal on June 21, 2017 at 5:15 p.m. As discussed below, the Commission will only accept information from the public that relates to its decision to place these petitions into Category VI.

Content of Comments: The public will be able to comment on the administrability of the article descriptions in the petitions, the existence of domestic producer objections to the petitions, and other issues affecting their placement in Category VI. In particular, the Commission seeks input that would clarify or narrow the scope of proposed

article descriptions in Category VI petitions, including the constituent materials in the intended merchandise or similar information that would help verify the classification of the goods in chapters 1–97 of the HTS. Similarly, the Commission seeks information that could clarify technical criteria, distinguish the intended merchandise in a petition from other goods in the same rate line, or narrow the scope of an article description to avoid covering domestically produced goods.

Procedures for Filing a Comment

Who may file. Comments may be filed by any member of the public, including the firm or its representative who filed the petition. However, the Commission will consider only comments that relate to petitions listed under category VI in the Commission's preliminary report submitted to the Committees on June 9, 2017. The Commission will not consider comments that relate to petitions listed under categories I, II, III, IV, and V in the preliminary report.

Method for filing. Comments may only be filed electronically via the Commission's designated secure MTBPS web portal and in the format designated by the Commission in that portal. The portal may be accessed through the Commission's Web site at *https://usitc.gov* under ''Miscellaneous Tariff Bill Information.'' The portal contains a series of prompts and links that will assist persons in providing the required information. The Commission will not accept or consider comments submitted in paper or in any other form or format. Comments must contain all information required in the portal in order to be considered properly filed. Comments, including any attachments thereto, must otherwise comply with the Commission's rules and Handbook on MTB Filing Procedures. Persons seeking to comment on more than one petition must submit a separate comment for each petition.

Persons filing comments should be aware that they must be prepared to complete their entire comment when they enter the portal. The portal will not allow them to edit, amend, or complete the comment at a later time. Accordingly, they will need to complete their comment at the time they enter the portal.

Time for filing. To be considered, comments must be filed no earlier than June 12, 2017 at 8:45 a.m. and no later than the close of business (5:15 p.m. EST) on June 21, 2017. The Commission will not accept comments filed before or after these times and dates.

Amendment and withdrawal of comments. The Commission's secure web portal will not allow a person who has formally submitted a comment during this filing period to amend that comment. Instead, that person must withdraw the original comment and file a new comment that incorporates the changes. The new comment must be filed before 5:15 p.m. EST on June 21, 2017. Comments may not be withdrawn or amended after that time.

Comments containing confidential business information. The portal will permit persons submitting comments to claim that certain information should be treated either as confidential business information or as information protected from disclosure under the Privacy Act (*e.g.,* a home address). However, because of the portal's design, the portal instructs that such information not be included in attachments to comments. Persons who include confidential business information and information protected under the Privacy Act in attachments to their comments will be presumed to have waived any privilege and the information will be disclosed to the public when the comments and attachments are posted on the Commission's Web site. See further information below on possible disclosure of confidential business information.

Confidential Business Information: The Commission will not release information which the Commission considers to be confidential business information within the meaning of § 201.6(a) of its Rules of Practice and Procedure (19 CFR 201.6) unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the Commission, or such party subsequently consents to the release of the information.

Confidential business information submitted to the Commission in comments may be disclosed to and/or used by (1) the Commission in calculating the estimated revenue loss required under the Act, which may be based in whole or in part on the estimated values of imports submitted in comments (as well as by petitioners in their petitions); (2) the Commission, its employees, and contract personnel (a) in processing petitions and comments and preparing reports under the American Manufacturing Competitiveness Act of 2016 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; (3) Commerce for use in preparing its report to the Commission and the Committees, and the U.S. Department of Agriculture and CBP for use in providing information for that report; or (4) U.S. government employees and contract personnel, solely for cybersecurity purposes, subject to the requirement that all contract personnel will sign appropriate nondisclosure agreements.

By order of the Commission.

Issued: May 19, 2017.

Lisa R. Barton,

Secretary of the Commission.

[FR Doc. 2017–10667 Filed 5–24–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–972]

Certain Automated Teller Machines, ATM Modules, Components Thereof, and Products Containing the Same; Final Determination Finding a Violation of Section 337; Issuance of a Limited Exclusion Order and Cease and Desist Orders; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 in this investigation and has issued a limited exclusion order and cease and desist orders prohibiting importation of infringing automated teller machines (''ATMs''), ATM modules, components thereof, and products containing the same.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–708–2532. 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 November 20, 2015, based on a complaint filed by Diebold Incorporated and Diebold Self-Service Systems (collectively, ''Diebold''). 80 FR 72735–36 (Nov. 20, 2015). The complaint alleged 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 certain claims of six United States Patents: 7,121,461 (''the '461 patent''); 7,249,761 (''the '761 patent''); 7,314,163 (''the '163 patent''); 6,082,616 (''the '616 patent''); 7,229,010 (''the '010 patent''); and 7,832,631 (''the '631 patent''). *Id.* The notice of investigation named as respondents Nautilus Hyosung Inc. of Seoul, Republic of Korea; Nautilus Hyosung America Inc. of Irving, Texas; and HS Global, Inc. of Brea, California (collectively, ''Nautilus''). *Id.* at 72736. The Office of Unfair Import Investigations was not named as a party. *Id.*

The '461 patent, '761 patent, and '163 patent were previously terminated from the investigation. *See* Order No. 12 (Apr. 28, 2016), *not reviewed,* Notice (May 11, 2016); Order No. 21 (June 28, 2016), *not reviewed,* Notice (July 28, 2016). The presiding administrative law judge (''ALJ'') conducted an evidentiary hearing from August 29, 2016 through September 1, 2016. On November 30, 2016, the ALJ issued the final Initial Determination (''final ID'' or ''ID''). The final ID found a violation of section 337 with respect to the '616 and '631 patents, and no violation with respect to the '010 patent. ID at 207–09. The ALJ recommended that a limited exclusion order and cease and desist orders issue against Nautilus.

Diebold and Nautilus each filed petitions for review concerning certain findings with respect to the '616 and '631 patents. On December 30, 2016, the parties submitted statements on the public interest. Diebold contends that the investigation does not raise any public interest concerns. Nautilus asserts that a Commission exclusion order should include a certification provision and that any Commission remedial orders be tailored to allow repair of existing Nautilus ATMs in the United States. In addition, the Commission received submissions from United States Representative James B. Renacci, United States Senator Sherrod Brown, and certain Nautilus customers.

On January 30, 2017, the Commission determined to review and modify two claim constructions for the '616 patent. Notice at 2–3 (Jan. 30, 2017). The Commission's reasoning in support of its claim construction determinations for the '616 patent was set forth more fully in the Commission Claim Construction Opinion, which also issued on January 30, 2017. In view of the Commission's determination to review and modify the construction of these two claim limitations, the Commission also determined to review for the asserted claims of the '616 patent: (1) Infringement; (2) obviousness in view of Diebold's 1064i ATM; and (3) the technical prong of the domestic industry requirement. *Id.* at 3. The Commission solicited further briefing from the parties on these issues, and briefing from the parties and the public on remedy, the public interest, and bonding. *Id.* at 4. The Commission determined not to review the final ID's finding of a section 337 violation as to the '631 patent. *Id.* at 2.

On February 10, 2017, Diebold and Nautilus filed their opening submissions on the issues under review and on remedy, the public interest, and bonding. On February 17, 2017, Diebold and Nautilus filed responses to each other's opening submission. Nautilus also submitted letters to the Commission concerning the public interest from Nautilus's customers.

Having reviewed the record of investigation, the Commission has determined that there is a violation of section 337 by reason of the infringement of claims 1, 6, 10, 16, 26, and 27 of the '616 patent and claims 1–7 and 18–20 of the '631 patent. The Commission has further determined that the technical prong of the domestic industry requirement has been met as to the '616 patent. To the extent that Nautilus's arguments concerning obviousness of the asserted claims of the '616 patent in view of the Diebold 1064i ATM have not been waived, the Commission finds that Nautilus has failed to meet its burden to show invalidity by clear and convincing evidence.

The Commission has further determined that the appropriate remedy is (1) a limited exclusion order prohibiting the entry of infringing automated teller machines, ATM modules, components thereof, and products containing the same, and (2) cease and desist orders directed to the respondents. The Commission has determined that the public interest factors enumerated in section 337(d) and (f), 19 U.S.C. 1337(d), (f), do not preclude the issuance of the limited exclusion order or the cease and desist orders. The Commission has determined that a bond in the amount of 100 percent of the entered value of the subject articles is required during the period of Presidential review. 19 U.S.C. 1337(j)(3). Notwithstanding the foregoing, the exclusion order and cease and desist orders permit Nautilus to import replacement parts for its customers who need such parts to repair automated teller machines that have been imported prior to the date of the orders. Commissioner Kieff has provided additional views dissenting from the Commission's exception from the remedial orders regarding replacement parts for service or repair. The orders do not permit Nautilus to import infringing ATMs (as opposed to replacement parts) for any purpose, including repair or replacement.

The investigation is terminated. The Commission's reasoning in support of its determinations is set forth more fully in its opinion. The Commission's orders and opinion were delivered to the President and the United States Trade Representative on the day of their issuance.

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 19, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–10709 Filed 5–24–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1063–1064 and 1066–1068 (Second Review)]

Frozen Warmwater Shrimp From Brazil, China, India, Thailand, and Vietnam; Determinations

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the antidumping duty orders on frozen warmwater shrimp from China, India, Thailand, and Vietnam would be likely to lead to continuation or recurrence of

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

material injury to an industry in the United States within a reasonably foreseeable time. The Commission further determines that revocation of the antidumping duty order on frozen warmwater shrimp from Brazil would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission, pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)), instituted these reviews on March 1, 2016 (81 FR 10659) and determined on June 6, 2016 that it would conduct full reviews (81 FR 39711, June 17, 2016). Notice of the scheduling of the Commission's reviews and of a public hearing 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** on November 8, 2016 (81 FR 78632). The hearing was held in Washington, DC, on March 16, 2017, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews by May 25, 2017. The views of the Commission are contained in USITC Publication 4688 (May 2017), entitled *Frozen Warmwater Shrimp from Brazil, China, India, Thailand, and Vietnam: Investigation Nos. 731–TA–1063–1064 and 1066–1068 (Second Review).*

By order of the Commission.

Issued: May 22, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–10715 Filed 5–24–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0039]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change of a Currently Approved Collection; Federal Firearms Licensee Firearms Inventory Theft/Loss Report—ATF F 3310.11

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit 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.

DATES: Comments are encouraged and will be accepted for 60 days until July 24, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any additional information, please contact Larry Penninger Federal Fir, Chief, National Tracing Center, either by mail at 244 Needy Road, Martinsburg, WV 25405, by email at *Larry.Penninger@atf.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other 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 (check justification or form 83):* Extension, without change, of a currently approved collection.

2. *The Title of the Form/Collection:* Federal Firearms Licensee Firearms Inventory Theft/Loss Report.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF F 3310.11.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other (if applicable): Business or other for-profit.

Abstract: This form requires that licensees report the theft or loss of firearms to the Attorney General and the appropriate authorities.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 4,000 respondents will utilize the form, and it will take each respondent approximately 24 minutes to complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 1,600 hours, which is equal to 4,000 (total # of respondents) × .4 (24 Minutes).

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., 3E.405A, Washington, DC 20530.

Dated: May 22, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–10737 Filed 5–24–17; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0019]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change of a Currently Approved Collection; Federal Firearms License (FFL) RENEWAL Application—ATF F 8 (5310.11) Part 11

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit 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.

DATES: Comments are encouraged and will be accepted for 60 days until July 24, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any additional information, please contact Tracey Robertson, Chief, Federal Firearms Licensing Center either by mail at 244 Needy Road, Martinsburg, WV 20226, by email at *Tracey.Robertson@atf.gov,* or by telephone at.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other 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 (*check justification or form 83): Extension, without change, of a currently approved collection.

2. *The Title of the Form/Collection:* Federal Firearms License (FFL) RENEWAL Application.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF F 8 (5310.11) Part 11.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other (if applicable): Individuals or households.

Abstract: The form is filed by the licensee desiring to renew a Federal firearms license. It is used to identify the applicant, locate the business/collection premises, identify the type of business/collection activity, and determine the eligibility of the applicant.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 35,000 respondents will utilize the form, and it will take each respondent approximately 30 minutes to complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 17,500 hours which is equal to (35,000 (total # of respondents * .5(30 minutes).

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., 3E.405A, Washington, DC 20530.

Dated: May 22, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–10738 Filed 5–24–17; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Josip Pasic, M.D.; Order

On February 23, 2017, the Assistant Administrator, Division of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Josip Pasic, M.D., of Chicago, Illinois. GX 2, at 2. The Show Cause Order proposed the revocation of Dr. Pasic's Certificate of Registration on the ground that he does not possess ''authority to handle controlled substances in Illinois, the [S]tate in which [he is] registered with the'' Agency. *Id.*

As to the jurisdictional basis for the proceeding, the Show Cause Order alleged that Dr. Pasic is ''registered . . . as a practitioner in [s]chedules II through V under . . . Certificate of Registration #AP7955923 at 5510 N. Sheridan Road, Suite #7A, Chicago,'' Illinois. *Id.* The Order alleged that this ''registration expires by its terms on March 31, 2017.'' *Id.*

As to the substantive ground for the proceeding, the Show Cause Order alleged that on December 14, 2016, the ''Illinois Department of Financial and Professional Regulation issued an Order temporarily suspending [Dr. Pasic's] Illinois Physician and Surgeon License . . . and Controlled Substance License.'' *Id.* The Order then alleged that ''[a]s a result of this suspension, [he is] currently without authority to practice medicine or handle controlled substances in the State of Illinois, the [S]tate in which [he is] registered with the DEA.'' *Id.* at 3. The Order then asserted that his registration is subject to revocation ''based on [his] lack of authority to handle controlled substances in the State.'' *Id.*

The Show Cause Order also notified Dr. Pasic of his right to request a hearing on the allegations or to submit a written statement on the matters of fact and law asserted in the Order while waiving his right to a hearing, the procedures for electing either option, and the consequence of failing to elect either option. *Id.* (citing 21 CFR 1301.43). Finally, the Order notified Dr. Pasic of his right to submit a corrective action plan. *Id.* at 3–4 (citing 21 U.S.C. 824(c)(2)(C)).

On February 28, 2017, as well as on March 1, 2017, the Show Cause Order was served on Dr. Pasic. GX 4, at 3 (declaration of DI). According to the DI's Declaration, as of April 3, 2017, Dr. Pasic had not requested a hearing. *Id.* The DI's Declaration does not, however, state whether Dr. Pasic filed a written

statement of position. *See* generally GX 4. So too, the Government's Request for Final Agency Action does not address whether Dr. Pasic submitted a written statement.[1] *See generally* Gov. Request for Final Agency Action.

In her declaration, the DI stated that she had obtained a copy of Dr. Pasic's Registration and Registration History. GX 4, at 3. According to the DI, ''Dr. Pasic allowed his . . . registration to lapse on March 31, 2017'' and has not ''made any request—timely or untimely—to renew his registration.'' *Id.*

On May 2, 2017, the Government submitted its Request for Final Agency Action. Therein, the Government noted that the case is moot because Dr. Pasic has allowed his registration to expire and has not submitted an application. Request for Final Agency Action, at 3 (citing *Victor B. Williams,* 80 FR 50029 (2015)). However, while the Government recognizes that the matter is moot, it requests that I issue ''a final order . . . setting forth the following facts and conclusions of law'' related to the suspension of his state authority to ''memorialize the outcome of this proceeding for the record and for purpose of evaluating future applications.'' *Id.*

I grant the Government's request but only with respect to its request that I dismiss this case as moot. Were I to make the factual findings and legal conclusions requested by the Government, I would be issuing an advisory opinion. Though an administrative agency is not subject to the case or controversy requirements of Article III, relevant authority suggests that in the event Respondent sought judicial review of the decision, the federal courts would lack jurisdiction to review that part of the decision. It is settled, however, that where the federal courts lack the power to review an agency decision because of intervening mootness, the court vacates the agency's order. *See A.L. Mechling Barge Lines, Inc.* v. *United States,* 368 U.S. 324, 329 (1961) (vacating administrative orders which had become unreviewable in federal court); *see also American Family Life Assurance Co.* v. *FCC,* 129 F.3d 625, 630 (D.C. Cir. 1997) (''Since *Mechling,* we have, as a matter of course, vacated agency orders in cases that have become moot by the time of judicial review.''). *See also Samuel H. Albert,* 74 FR 54851, 54852 (2009). As the requested factual findings and legal conclusions would be subject to vacation on judicial review, there is no point to making them.

Because Respondent's registration has expired and he has not filed an application, whether timely or not, this case is now moot. *See Williams,* 80 FR at 50029; *see also William W. Nucklos,* 73 FR 34330 (2008); *Ronald J. Riegel,* 63 FR 67132, 67133 (1988). Accordingly, I will dismiss the Order to Show Cause.

Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a), as well as 28 CFR 0.100(b), I order that the Order to Show Cause issued to Josip Pasic, M.D., be, and it hereby is, dismissed. This Order is effective immediately.

Dated: May 16, 2017.

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2017–10742 Filed 5–24–17; 8:45 am]

BILLING CODE 4410–09–P

[1] Because I conclude that this matter is now moot, I deem it unnecessary to remand the matter for clarification as to whether Dr. Pasic submitted a written statement.

DEPARTMENT OF JUSTICE

[CPCLO Order No. 004–2017]

Privacy Act of 1974; System of Records

AGENCY: United States Department of Justice.

ACTION: Notice of modified Systems of Records; blanket routine use.

SUMMARY: Pursuant to the Privacy Act of 1974, 5 and Office of Management and Budget (OMB) Circular No. A–108, notice is hereby given that the United States Department of Justice (Department or DOJ) proposes to modify the DOJ System of Records Notices for the DOJ systems of records listed below.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is subject to a 30-day notice and comment period. Please submit any comments by June 26, 2017.

ADDRESSES: The public, OMB, and Congress are invited to submit any comments to the U.S. Department of Justice, ATTN: Privacy Analyst, Office of Privacy and Civil Liberties, National Place Building, 1331 Pennsylvania Avenue NW., Suite 1000, Washington, DC 20530–0001, by facsimile at 202–307–0693, or email at *privacy.compliance@usdoj.gov.* To ensure proper handling, please reference the above CPCLO Order No. on your correspondence.

FOR FURTHER INFORMATION CONTACT: Andrew A. Proia, Attorney Advisor, Office of Privacy and Civil Liberties, National Place Building, 1331 Pennsylvania Avenue NW., Suite 1000, Washington, DC 20530–0001, by facsimile at 202–307–0693, or email at *privacy.compliance@usdoj.gov.* To ensure proper handling, please reference the above CPCLO Order No. on your correspondence.

SUPPLEMENTARY INFORMATION: On May 22, 2007, OMB issued Memorandum M–07–16, Safeguarding Against and Responding to the Breach of Personally Identifiable Information, to the heads of all executive departments and agencies. In its memorandum, OMB required agencies to publish a routine use for their systems of records specifically applying to the disclosure of information in connection with response and remedial efforts in the event of a breach of personally identifiable information. DOJ published a notice in the **Federal Register**, 72 FR 3410 (January 25, 2007), modifying all DOJ System of Records Notices by adding a routine use to address the limited disclosure of records related to a suspected or confirmed breach within the Department, consistent with OMB requirements. Since that time, all new DOJ System of Records Notices published by the Department, as well as significantly modified System of Records Notices that were republished in full, included a breach response routine use consistent with the requirements in OMB Memorandum M–07–16.

On January 3, 2017, OMB issued Memorandum M–17–12, Preparing for and Responding to a Breach of Personally Identifiable Information, to the heads of all executive departments and agencies. OMB Memorandum M–17–12 rescinds and replaces OMB Memorandum M–07–16 and updates agency routine use requirements for responding to a breach. Specifically, OMB Memorandum M–17–12 requires all Senior Agency Officials for Privacy to ensure that their agency's System of Records Notices include a routine use for the disclosure of information necessary to respond to a breach of the agency's personally identifiable information. Additionally, OMB Memorandum M–17–12 requires agencies to add a routine use to ensure that agencies are able to disclose records in their systems of records that may reasonably be needed by another agency in responding to a breach.

To satisfy the routine use requirements in OMB Memorandum M–17–12, DOJ is issuing two notices in the **Federal Register** to modify all of the Department's System of Records Notices. The records maintained in many DOJ systems of records are still subject to the Department's blanket breach response routine use published

at 72 FR 3410 (January 25, 2007). For these DOJ systems of records, this notice rescinds 72 FR 3410 (January 25, 2007) and adds the two routine uses required by OMB Memorandum M–17–12.

Other DOJ systems of records have been created or significantly modified since 72 FR 3410 (January 25, 2007) added the previous, OMB-required breach response routine use. The DOJ System of Records Notices for these DOJ systems of records incorporated the OMB Memorandum M–07–16 breach response routine use in their ''ROUTINE USES'' section, rather than relying on the routine use published at 72 FR 3410 (January 25, 2007). These System of Records Notices are not affected by this notice publication. Elsewhere in the **Federal Register**, the Department is modifying the DOJ System of Records Notices for the DOJ systems of records that do not rely on the breach response routine use published at 72 FR 3410 (January 25, 2007). The DOJ System of Records Notices for these DOJ systems of records are being modified separately to ensure continuity with their previous notice publications. Pursuant to OMB Memorandum M–17–12, Preparing for and Responding to a Breach of Personally Identifiable Information (January 3, 2017), this notice: (1) Rescinds the breach response routine use published at 72 FR 3410 (January 25, 2007); (2) revises the breach response routine use for the DOJ systems of records, listed below; and (3) adds a new routine use to the DOJ systems of records, listed below, to ensure that the Department can assist another agency in responding to a confirmed or suspected breach, as appropriate.

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and to Congress on this notice of modified systems of records.

Dated: May 19, 2017.

Peter A. Winn,

Acting Chief Privacy and Civil Liberties Officer, United States Department of Justice.

United States Department of Justice System of Records Notices and citations follow. An asterisk (*) designates the last full **Federal Register** notice that includes all of the elements that are required to be in a System of Records Notice.

System No. and name	**Federal Register**, citation(s)
JUSTICE/DOJ–001, Accounting Systems for the Department of Justice	69 FR 31406*, 71 FR 142, 72 FR 3410, 75 FR 13575.
JUSTICE/DOJ–002, DOJ Computer Systems Activity & Access Records	64 FR 73585*, 66 FR 8425, 72 FR 3410.
JUSTICE/DOJ–003, Correspondence Management Systems (CMS) for the Department of Justice	66 FR 29992*, 66 FR 34743, 67 FR 65598, 72 FR 3410.
JUSTICE/DOJ–005, Nationwide Joint Automated Booking System (JABS)	71 FR 52821*, 72 FR 3410.
JUSTICE/DOJ–006, Personnel Investigation and Security Clearance Records for the Department of Justice.	67 FR 59864*, 69 FR 65224, 72 FR 3410.
JUSTICE/DOJ–007, Reasonable Accommodations for the Department of Justice	67 FR 34955*, 72 FR 3410.
JUSTICE/DOJ–008, Department of Justice Grievance Records	68 FR 61696*, 69 FR 47179, 72 FR 3410.
JUSTICE/DOJ–009, Emergency Contact Systems for the Department of Justice	69 FR 1762*, 72 FR 3410.
JUSTICE/DOJ–010, Leave Sharing Systems	69 FR 22557*, 69 FR 47179, 72 FR 3410.
JUSTICE/DOJ–011, Access Control System (ACS)	69 FR 70279*, 72 FR 3410.
JUSTICE/DOJ–012, Department of Justice Regional Data Exchange System (RDEX)	70 FR 39790*, 70 FR 72315, 72 FR 3410, 72 FR 4532.
JUSTICE/ASG–001, General Files System of the Office of the Associate Attorney General	69 FR 22872*, 72 FR 3410.
JUSTICE/ATF–001, Administrative Record System	68 FR 3551, 552*, 72 FR 3410.
JUSTICE/ATF–003, Criminal Investigation Report System	68 FR 3551, 553*, 72 FR 3410.
JUSTICE/ATF–006, Internal Security Record System	68 FR 3551, 555*, 72 FR 3410.
JUSTICE/ATF–007, Personnel Record System	68 FR 3551, 556*, 72 FR 3410.
JUSTICE/ATF–008, Regulatory Enforcement Record System	68 FR 3551, 558*, 72 FR 3410.
JUSTICE/ATF–009, Technical and Scientific Services Record System	68 FR 3551, 560*, 72 FR 3410.
JUSTICE/ATF–010, Training and Professional Development Record System	68 FR 3551, 562*, 72 FR 3410.
JUSTICE/ATR–001, Antitrust Division Expert Witness File	54 FR 42060, 061*, 66 FR 8425, 72 FR 3410.
JUSTICE/ATR–003, Index of Defendants in Pending and Terminated Antitrust Cases	60 FR 52690*, 66 FR 8425, 72 FR 3410.
JUSTICE/ATR–004, Statements by Antitrust Division Officials (ATD Speech File)	60 FR 52690, 691*, 66 FR 8425, 72 FR 3410.
JUSTICE/ATR–005, Antitrust Management Information System (AMIS)—Time Reporter	53 FR 40502*, 66 FR 8425, 72 FR 3410.
JUSTICE/ATR–006, Antitrust Management Information System (AMIS)—Monthly Report	63 FR 8659*, 66 FR 8425, 66 FR 17200, 72 FR 3410.
JUSTICE/ATR–007, Antitrust Division Case Cards	60 FR 52690, 692*, 66 FR 8425, 72 FR 3410.
JUSTICE/ATR–009, Public Complaints and Inquiries File.	45 FR 75898, 902*, 66 FR 8425, 72 FR 3410.
JUSTICE/ATR–014, Civil Investigative Demand (CID) Tracking System	60 FR 52690, 694*, 66 FR 8425, 72 FR 3410.
JUSTICE/BOP–001, Prison Security and Intelligence Record System	67 FR 41449*, 72 FR 3410.
JUSTICE/BOP–004, Inmate Administrative Remedy Record System	67 FR 57244*, 72 FR 3410.
JUSTICE/BOP–005, Inmate Central Records System	67 FR 31371*, 72 FR 3410, 77 FR 24982, 81 FR 22639.
JUSTICE/BOP–006, Inmate Trust Fund Accounts and Commissary Record System	67 FR 11711*, 72 FR 3410.
JUSTICE/BOP–007, Inmate Physical and Mental Health Record System	67 FR 11712*, 72 FR 3410.
JUSTICE/BOP–008, Inmate Safety and Accident Compensation Record System	67 FR 41452*, 72 FR 3410.
JUSTICE/BOP–009, Administrative Claims Record System	67 FR 41453*, 72 FR 3410.
JUSTICE/BOP–010, Access Control Entry-Exit System	67 FR 16760*, 72 FR 3410.
JUSTICE/BOP–011, Telephone Activity Record System	67 FR 16762*, 71 FR 9606, 72 FR 3410, 76 FR 79216.
JUSTICE/BOP–012, Office of Internal Affairs Investigative Records	67 FR 9321*, 72 FR 3410.
JUSTICE/BOP–013, Inmate Electronic Message Record System	70 FR 69594*, 72 FR 3410, 76 FR 79216.
JUSTICE/BOP–015, Outside Employment Requests Record System	67 FR 16763*, 72 FR 3410.

System No. and name	Federal Register, citation(s)
JUSTICE/BOP–101, The National Institute of Corrections Technical Resource Provider Record System.	65 FR 11342*, 66 FR 8425, 72 FR 3410.
JUSTICE/BOP–103, National Institute of Corrections Academy Record System	64 FR 70286*, 66 FR 8425, 72 FR 3410.
JUSTICE/BOP–104, National Institute of Corrections Mailing List & Information Center Contacts Records System.	64 FR 70287*, 66 FR 8425, 72 FR 3410.
JUSTICE/CIV–001, Civil Division Case File System	63 FR 8659*, 66 FR 8425, 66 FR 17200, 66 FR 36593, 72 FR 3410.
JUSTICE/CIV–002, Civil Division Case File System: Customs Litigation	45 FR 2215, 217*, 66 FR 8425, 72 FR 3410.
JUSTICE/CIV–003, Office of Alien Property File System	42 FR 53288, 324*, 66 FR 8425, 72 FR 3410.
JUSTICE/CIV–004, Swine Flu Administrative Claim File System	43 FR 44708*, 66 FR 8425, 72 FR 3410.
JUSTICE/CIV–005, Annuity Brokers List System	68 FR 17401*, 72 FR 3410.
JUSTICE/CIV–006, Consumer-Inquiry Investigatory System	53 FR 40506*, 66 FR 8425, 72 FR 3410.
JUSTICE/CIV–008, September 11th Victim Compensation Fund of 2001 File System	66 FR 65991*, 66 FR 8425, 72 FR 3410.
JUSTICE/COPS–001, Police Corps System	62 FR 1130, 131*, 66 FR 8425, 72 FR 3410.
JUSTICE/CRM–002, Criminal Division Witness Security File	52 FR 47188*, 66 FR 8425, 72 FR 3410.
JUSTICE/CRM–003, File of Names Checked to Determine if those Individuals Have Been the Subject of an Electronic Surveillance.	52 FR 47189*, 66 FR 8425, 72 FR 3410.
JUSTICE/CRM–006, Information File on Individuals and Commercial Entities Known or Suspected of Being Involved in Fraudulent Activities.	42 FR 53288, 336*, 66 FR 8425, 72 FR 3410.
JUSTICE/CRM–008, Name Card File on Department of Justice Personnel Authorized to have Access to the Classified Files of the Department of Justice.	52 FR 47193*, 66 FR 8425, 72 FR 3410.
JUSTICE/CRM–012, Organized Crime and Racketeering Section, General Index File and Associated Records.	55 FR 49146, 147*, 66 FR 8425, 66 FR 17200, 72 FR 3410.
JUSTICE/CRM–014, Organized Crime and Racketeering Section, Intelligence and Special Services Unit, Information Request System.	42 FR 53288, 343*, 66 FR 8425, 72 FR 3410.
JUSTICE/CRM–019, Requests to the Attorney General for Approval of Applications to Federal Judges for Electronic Interceptions.	52 FR 47198*, 66 FR 8425, 72 FR 3410.
JUSTICE/CRM–021, The Stocks and Bonds Intelligence Control Card File System	52 FR 47199*, 66 FR 8425, 72 FR 3410.
JUSTICE/CRM–022, Witness Immunity Records	52 FR 47200*, 66 FR 8425, 72 FR 3410.
JUSTICE/CRM–025, Tax Disclosure Index File and Associated Records	52 FR 47202*, 66 FR 8425, 72 FR 3410.
JUSTICE/CRM–026, International Prisoner Transfer Case Files-International Prisoner Transfer Tracking System.	68 FR 22739*, 72 FR 3410.
JUSTICE/CRM–027, Office of Special Investigation (OSI) Displaced Persons Listings	52 FR 47204*, 66 FR 8425, 72 FR 3410.
JUSTICE/CRS–001, Operational Data Information System	45 FR 2215, 220*, 66 FR 8425, 72 FR 3410.
JUSTICE/CRT–001, Central Civil Rights Division Index File and Associated Records	68 FR 47610, 611*, 70 FR 43904, 72 FR 3410.
JUSTICE/CRT–003, Civil Rights Interactive Case Management System	68 FR 47610, 613*, 72 FR 3410.
JUSTICE/CRT–004, Registry of Names of Interested Persons Desiring Notification of Submissions Under Section 5 of the Voting Rights Act.	68 FR 47610, 614*, 72 FR 3410.
JUSTICE/CRT–007, Files on Employment Civil Rights Matters Referred by the Equal Employment Opportunity Commission.	68 FR 47610, 615*, 72 FR 3410.
JUSTICE/CRT–009, Civil Rights Division Travel Reports	68 FR 47610, 616*, 72 FR 3410.
JUSTICE/DAG–006, Presidential Appointee Candidate Records System	50 FR 42607*, 66 FR 8425, 72 FR 3410.
JUSTICE/DAG–007, Presidential Appointee Records System	50 FR 42608*, 66 FR 8425, 72 FR 3410.
JUSTICE/DAG–008, Special Candidates for Presidential Appointments and Noncareer SES Positions Records System.	59 FR 45005*, 66 FR 8425, 72 FR 3410.
JUSTICE/DAG–010, United States Judge and Department of Justice Presidential Appointee Records.	50 FR 42612*, 66 FR 8425, 72 FR 3410.
JUSTICE/DAG–013, General Files System	57 FR 8474*, 66 FR 8425, 72 FR 3410.
JUSTICE/DEA–001, Air Intelligence Program	52 FR 472182, 06*, 66 FR 8425, 72 FR 3410.
JUSTICE/DEA–INS–111, Automated Intelligence Records System (Pathfinder)	55 FR 49146, 182*, 66 FR 8425, 72 FR 3410.
JUSTICE/DEA–002, Clandestine Laboratory Seizure System (CLSS)	68 FR 3894*, 72 FR 3410.
JUSTICE/DEA–003, Automated Records and Consolidated Orders System—Diversion Analysis and Detection System (ARCOS–DADS).	69 FR 51104*, 72 FR 3410.
JUSTICE/DEA–005, Controlled Substances Act Registration Records (CSA)	52 FR 47182, 208*, 66 FR 8425, 72 FR 3410.
JUSTICE/DEA–010, Planning and Inspection Division Records	52 FR 47182, 213*, 66 FR 8425, 72 FR 3410.
JUSTICE/DEA–011, Operations Files	52 FR 47182, 214*, 66 FR 8425, 72 FR 3410.
JUSTICE/DEA–012, Registration Status-Investigation Records	52 FR 47182, 215*, 66 FR 8425, 72 FR 3410.
JUSTICE/DEA–013, Security Files	52 FR 47182, 215*, 66 FR 8425, 72 FR 3410.
JUSTICE/DEA–015, Training Files	52 FR 47182, 217*, 66 FR 8425, 72 FR 3410.
JUSTICE/DEA–017, Grants of Confidentiality Files (GCF)	52 FR 47182, 218*, 66 FR 8425, 72 FR 3410.

System No. and name	**Federal Register**, citation(s)
JUSTICE/DEA–020, Essential Chemical Reporting System	52 FR 47219*, 66 FR 8425, 72 FR 3410.
JUSTICE/DEA–021, DEA Aviation Unit Reporting System	65 FR 24986, 987*, 66 FR 8425, 72 FR 3410.
JUSTICE/DEA–022, El Paso Intelligence Center (EPIC) Seizure System (ESS)	71 FR 36362*, 72 FR 3410.
JUSTICE/ENRD–003, Environment & Natural Resources Division Case & Related Files System	65 FR 8990*, 66 FR 8425, 70 FR 61159, 72 FR 3410.
JUSTICE/EOIR–001, Records and Management Information System	69 FR 26179*, 72 FR 3410
JUSTICE/EOIR–003, Practitioner Complaint—Disciplinary Files	64 FR 49237*, 66 FR 8425, 72 FR 3410.
JUSTICE/BIA–001, Decisions of the Board of Immigration Appeals	48 FR 5331*, 66 FR 8425, 72 FR 3410.
JUSTICE/BIA–002, Roster of Organizations and their Accredited Representatives Recognized by the Board of Immigration Appeals.	45 FR 75908*, 66 FR 8425, 72 FR 3410.
JUSTICE/FBI–001, National Crime Information Center (NCIC)	64 FR 52343*, 66 FR 8425, 72 FR 3410.
JUSTICE/FBI–002, The FBI Central Records System	63 FR 8659, 671*, 66 FR 8425, 66 FR 17200, 72 FR 3410.
JUSTICE/FBI–003, Bureau Mailing Lists	70 FR 7513*, 72 FR 3410.
JUSTICE/FBI–006, Electronic Surveillance (ELSUR) Indices	70 FR 7513, 514*, 72 FR 3410.
JUSTICE/FBI–008, Bureau Personnel Management System	58 FR 51875*, 66 FR 8425, 72 FR 3410.
JUSTICE/FBI–010, Employee Travel Vouchers and Individual Earning Records	52 FR 47248*, 66 FR 8425, 72 FR 3410.
JUSTICE/FBI–011, Employee Health Records	58 FR 51875*, 66 FR 8425, 72 FR 3410.
JUSTICE/FBI–013, Security Access Control System (SACS)	70 FR 7513, 516*, 72 FR 3410.
JUSTICE/FBI–015, National Center for the Analysis of Violent Crime (NCAVC)	58 FR 51877*, 66 FR 8425, 72 FR 3410.
JUSTICE/FBI–016, FBI Counterdrug Information Indices System (CIIS)	59 FR 29824*, 66 FR 8425, 72 FR 3410.
JUSTICE/FBI–017, National DNA Index System (NDIS)	61 FR 37495*, 66 FR 8425, 72 FR 3410.
JUSTICE/FBI–018, National Instant Criminal Background Check System (NICS)	63 FR 65223*, 65 FR 78190, 66 FR 6676, 66 FR 8425, 66 FR 12959, 72 FR 3410.
JUSTICE/FBI–BRU, Blanket Routine Uses (BRU) Applicable to More Than One FBI Privacy Act System of Records.	66 FR 33558*, 70 FR 7513, 517, 72 FR 3410.
JUSTICE/FTTTF–001, Flight Training Candidates File System	67 FR 39839*, 67 FR 47570, 72 FR 3410.
JUSTICE/JMD–002, Controlled Substances Act Nonpublic Records	66 FR 38000*, 72 FR 3410
JUSTICE/JMD–017, Department of Justice Employee Transportation Facilitation System	66 FR 20683*, 72 FR 3410, 72 FR 54460.
JUSTICE/JMD–022, Department of Justice Consolidated Asset Tracking System (CATS)	71 FR 29170*, 72 FR 3410.
JUSTICE/JMD–023, Federal Bureau of Investigation Whistleblower Case Files	70 FR 53253*, 72 FR 3410, 72 FR 15906, 72 FR 30631.
JUSTICE/JMD–024, Attorney Student Loan Repayment Program Applicant Files	71 FR 64740*, 72 FR 3410.
JUSTICE/NDIC–001, National Drug Intelligence Center Data Base	58 FR 21995*, 66 FR 8425, 72 FR 3410.
JUSTICE/OAG–001, General Files System	50 FR 37294*, 66 FR 8425, 72 FR 3410.
JUSTICE/OIG–004, OIG Employee Training Records	64 FR 68375*, 66 FR 8425, 72 FR 3410.
JUSTICE/OIG–005, OIG Firearms Qualifications System	64 FR 68376*, 66 FR 8425, 72 FR 3410.
JUSTICE/OJP–001, Equipment Inventory	58 FR 51879*, 66 FR 8425, 72 FR 3410.
JUSTICE/OJP–004, Grants Management Information System	53 FR 40526*, 66 FR 8425, 72 FR 3410.
JUSTICE/OJP–006, Congressional and Public Affairs System	52 FR 47276*, 66 FR 8425, 72 FR 3410.
JUSTICE/OJP–007, Public Information System	45 FR 75936*, 66 FR 8425, 72 FR 3410.
JUSTICE/OJP–008, Civil Rights Investigative System	53 FR 40528*, 66 FR 8425, 72 FR 3410.
JUSTICE/OJP–009, Federal Advisory Committee Membership Files	53 FR 40529*, 66 FR 8425, 72 FR 3410.
JUSTICE/OJP–010, Technical Assistance Resource Files	53 FR 40530*, 66 FR 8425, 72 FR 3410.
JUSTICE/OJP–011, Registered Users File—National Criminal Justice Reference Service (NCJRS)	58 FR 51879*, 66 FR 8425, 72 FR 3410.
JUSTICE/OJP–012, Public Safety Officers Benefits System	64 FR 25070*, 66 FR 8425, 72 FR 3410.
JUSTICE/OJP–013, Denial of Federal Benefits Clearinghouse System (DEBAR)	64 FR 25071*, 66 FR 8425, 72 FR 3410.
JUSTICE/OJP–014, Victims of International Terrorism Expense Reimbursement Program	71 FR 44709*, 72 FR 3410.
JUSTICE/OLP–002, United States Judges Records System.	50 FR 30309*, 66 FR 8425, 72 FR 3410.
JUSTICE/OLP–003, General Files System of the Office of Legal Policy	50 FR 37299*, 66 FR 8425, 72 FR 3410.
JUSTICE/OSCW–001, Caselink Document Database for Office of Special Counsel—Waco	65 FR 53749*, 66 FR 8425, 72 FR 3410.
JUSTICE/PAO–001, News Release, Document and Index System	42 FR 53288, 364*, 66 FR 8425, 72 FR 3410.
JUSTICE/PRC–001, Docket, Scheduling and Control	52 FR 47182, 281*, 66 FR 8425, 72 FR 3410.
JUSTICE/PRC–003, Inmate and Supervision Files	53 FR 7813*, 66 FR 8425, 72 FR 3410.
JUSTICE/PRC–004, Labor and Pension Case, Legal File and General Correspondence System	53 FR 40533*, 66 FR 8425, 72 FR 3410.
JUSTICE/PRC–005, Office Operation and Personnel System	53 FR 40535*, 66 FR 8425, 72 FR 3410.
JUSTICE/PRC–006, Statistical, Educational and Developmental System	52 FR 47182, 287*, 66 FR 8425, 72 FR 3410.
JUSTICE/PRC–007, Workload Record, Decision Result, and Annual Report System	53 FR 40535*, 66 FR 8425, 72 FR 3410.
JUSTICE/TAX–001, Criminal Tax Case Files, Special Project Files, Docket Cards, and Associated Records.	71 FR 11446, 447*, 72 FR 3410.
JUSTICE/TAX–002, Tax Division Civil Tax Case Files, Docket Cards, and Associated Records	71 FR 11446, 449*, 72 FR 3410.
JUSTICE/TAX–003, Files of Applications for Attorney and Non-Attorney Positions with the Tax Division.	71 FR 11446, 451*, 72 FR 3410.
JUSTICE/USA–001, Administrative File	48 FR 56662*, 66 FR 8425, 72 FR 3410.
JUSTICE/USA–002, A.U.S.A. Applicant Files	48 FR 38329*, 66 FR 8425, 72 FR 3410.
JUSTICE/USA–003, Citizen Complaint Files	54 FR 42088*, 66 FR 8425, 72 FR 3410.
JUSTICE/USA–005, Civil Case Files	53 FR 1864*, 63 FR 8659, 66 FR 8425, 66 FR 17200, 72 FR 3410.
JUSTICE/USA–006, Consumer Complaints	54 FR 42090*, 66 FR 8425, 72 FR 3410.

System No. and name	Federal Register, citation(s)
JUSTICE/USA–007, Criminal Case Files	53 FR 1864*, 63 FR 8659, 64 FR 71499, 66 FR 8425, 66 FR 17200, 72 FR 3410.
JUSTICE/USA–009, Kline District of Columbia and Maryland Stock and Land Fraud Interrelationship Filing System.	54 FR 42092*, 66 FR 8425, 72 FR 3410.
JUSTICE/USA–010, Major Crimes Division Investigative Files	54 FR 42094*, 66 FR 8425, 72 FR 3410.
JUSTICE/USA–011, Prosecutor's Management Information System (PROMIS)	54 FR 42095*, 66 FR 8425, 72 FR 3410.
JUSTICE/USA–012, Security Clearance Forms for Grand Jury Reporters	48 FR 5386*, 66 FR 8425, 72 FR 3410.
JUSTICE/USA–013, U.S. Attorney, District of Columbia Superior Court Division, Criminal Files	54 FR 42097*, 66 FR 8425, 72 FR 3410.
JUSTICE/USA–014, Pre-Trial Diversion Program Files	48 FR 38344*, 66 FR 8425, 72 FR 3410.
JUSTICE/USA–016, Assistant United States Attorney Applicant Records System	57 FR 8487*, 66 FR 8425, 72 FR 3410.
JUSTICE/USA–017, Appointed Assistant United States Attorneys Personnel System	57 FR 8488*, 66 FR 8425, 72 FR 3410.
JUSTICE/USM–019, Merit Promotion Open Season Records System (MPOS)	71 FR 29668*, 72 FR 3410.
JUSTICE/UST–001, Bankruptcy Case Files and Associated Records	71 FR 59818, 819*, 72 FR 3410.
JUSTICE/UST–002, Bankruptcy Trustee Oversight Records	71 FR 59818, 822*, 72 FR 3410.
JUSTICE/UST–003, U.S. Trustee Program Timekeeping Records	71 FR 59818, 824*, 72 FR 3410.
JUSTICE/UST–004, U.S. Trustee Program Case Referral System	71 FR 59818, 825*, 72 FR 3410.
JUSTICE/UST–005, Credit Counseling and Debtor Education Files and Associated Records	71 FR 59818, 827*, 72 FR 3410.

The routine use published at 72 FR 3410 (January 25, 2007) is hereby rescinded for the DOJ System of Records Notices, listed above, and replaced as follows:

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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[FR Doc. 2017–10780 Filed 5–24–17; 8:45 am]

BILLING CODE 4410–NW–P

DEPARTMENT OF JUSTICE

[CPCLO Order No. 005–2017]

Privacy Act of 1974; System of Records

AGENCY: United States Department of Justice.

ACTION: Notice of modified Systems of Records.

SUMMARY: Pursuant to the Privacy Act of 1974, and Office of Management and Budget (OMB) Circular No. A–108, notice is hereby given that the United States Department of Justice (Department or DOJ) proposes to modify the DOJ System of Records Notices for the DOJ systems of records listed below.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is subject to a 30-day notice and comment period. Please submit any comments by June 26, 2017.

ADDRESSES: The public, OMB, and Congress are invited to submit any comments to the U.S. Department of Justice, ATTN: Privacy Analyst, Office of Privacy and Civil Liberties, National Place Building, 1331 Pennsylvania Avenue NW., Suite 1000, Washington, DC 20530–0001, by facsimile at 202–307–0693, or email at *privacy.compliance@usdoj.gov.* To ensure proper handling, please reference the above CPCLO Order No. on your correspondence.

FOR FURTHER INFORMATION CONTACT: Andrew A. Proia, Attorney Advisor, Office of Privacy and Civil Liberties, National Place Building, 1331 Pennsylvania Avenue NW., Suite 1000, Washington, DC 20530–0001, by facsimile at 202–307–0693, or email at *privacy.compliance@usdoj.gov.* To ensure proper handling, please reference the above CPCLO Order No. on your correspondence.

SUPPLEMENTARY INFORMATION: On May 22, 2007, OMB issued Memorandum M–07–16, Safeguarding Against and Responding to the Breach of Personally Identifiable Information, to the heads of all executive departments and agencies. In its memorandum, OMB required agencies to publish a routine use for their systems of records specifically addressing the disclosure of records in connection with the response to, and remedial efforts in the event of, a breach of personally identifiable information. DOJ published a notice in the **Federal Register**, 72 FR 3410 (January 25, 2007), modifying all DOJ System of Records Notices by adding a routine use to address the limited disclosure of records related to a suspected or confirmed breach within the Department, consistent with OMB requirements. Since that time, all new DOJ System of Records Notices published by the Department, as well as significantly modified System of Records Notices that were republished in full, included a breach response routine use consistent with the requirements in OMB Memorandum M–07–16.

On January 3, 2017, OMB issued Memorandum M–17–12, Preparing for and Responding to a Breach of Personally Identifiable Information, to the heads of all executive departments and agencies. OMB Memorandum M–17–12 rescinds and replaces OMB Memorandum M–07–16 and updates agency routine use requirements for responding to a breach. Specifically, OMB Memorandum M–17–12 requires all Senior Agency Officials for Privacy to ensure that their agency's System of Records Notices include a routine use for the disclosure of information necessary to respond to a breach of the agency's personally identifiable information. Additionally, OMB Memorandum M–17–12 requires agencies to add a routine use to ensure

that agencies are able to disclose records in their systems of records that may reasonably be needed by another agency in responding to a breach.

To satisfy the routine use requirements in OMB Memorandum M–17–12, DOJ is issuing two notices in the **Federal Register** to modify all of the Department's System of Records Notices. The records maintained in many DOJ systems of records are still subject to the Department's blanket breach response routine use published at 72 FR 3410 (January 25, 2007). As a result, elsewhere in the **Federal Register**, the Department is rescinding 72 FR 3410 (January 25, 2007) and modifying all of the DOJ System of Records Notices for the DOJ systems of records still subject to the Department's blanket breach response routine use published at 72 FR 3410 (January 25, 2007). These System of Records Notices are not affected by this notice publication. The DOJ System of Records Notices for these DOJ systems of records are being modified separately to ensure continuity with their previous notice publications.

Pursuant to OMB Memorandum M–17–12, Preparing for and Responding to a Breach of Personally Identifiable Information (January 3, 2017), this notice: (1) Revises the breach routine use for the DOJ systems of records, listed below; and (2) adds a new routine use to the DOJ systems of records, listed below, to ensure that the Department can assist another agency in responding to a confirmed or suspected breach, as appropriate. This notice also includes administrative clarifications to the security classification of two DOJ System of Records Notices for DOJ systems of records, one maintained by the International Criminal Police Organization (INTERPOL) Washington, United States National Central Bureau (USNCB), and the other by the Justice Management Division (JMD).

Other DOJ systems of records have been created or significantly modified since 72 FR 3410 (January 25, 2007) added the previous, OMB-required breach response routine use. The DOJ System of Records Notices for these DOJ systems of records incorporated the OMB Memorandum M–07–16 breach response routine use in their ''ROUTINE USES'' section, rather than relying on the routine use published at 72 FR 3410 (January 25, 2007). Specifically, these DOJ System of Records Notices are:

JUSTICE/DOJ–004, Freedom of Information Act, Privacy Act, and Mandatory Declassification Review Records;

JUSTICE/DOJ–013, Justice Federal Docket Management System [Justice FDMS];

JUSTICE/DOJ–014, Department of Justice Employee Directory Systems;

JUSTICE/DOJ–015, Department of Justice Employee Assistance Program (EAP) Records;

JUSTICE/DOJ–016, Debt Collection Enforcement System;

JUSTICE/DOJ–017, Department of Justice, Giglio Information Files;

JUSTICE/COPS–002, COPS Online Ordering System;

JUSTICE/CRM–001, Central Criminal Division Index File and Associated Records;

JUSTICE/CRM–029, United States Victims of State Sponsored Terrorism Fund (USVSSTF) File System;

JUSTICE/DEA–008, Investigative Reporting and Filing System;

JUSTICE/FBI–009, The Next Generation Identification (NGI) System;

JUSTICE/FBI–019, Terrorist Screening Records Center (TSRS);

JUSTICE/FBI–020, Law Enforcement National Data Exchange System (NDEX);

JUSTICE/FBI–022, FBI Data Warehouse System;

JUSTICE/INTERPOL–001, INTERPOL-United States National Central Bureau (USNCB) Records System;

JUSTICE/JMD–003, Department of Justice Payroll System;

JUSTICE/NSD–001, Foreign Intelligence and Counterintelligence Records System;

JUSTICE/NSD–002, Registration and Informational Material Files Under the Foreign Agents Registration Act of 1938;

JUSTICE/NSD–003, Registration Files of Individuals Who Have Knowledge of, or Have Received Instruction or Assignment in, Espionage, Counterespionage, or Sabotage Service or Tactics of a Foreign Government or of a Foreign Political Party;

JUSTICE/OCDETF–001, Organized Crime Drug Enforcement Task Forces Management Information System;

JUSTICE/OCDETF–002, Organized Crime Drug Enforcement Task Force Fusion Center and International Organized Crime Intelligence and Operations Center System;

JUSTICE/OIG–001, Office of the Inspector General Investigative Records;

JUSTICE/OPA–001, Executive Clemency Case Files/Executive Clemency Tracking System;

JUSTICE/OPR–001, Office of Professional Responsibility Record Index;

JUSTICE/OVW–001, Peer Reviewer Database;

JUSTICE/USM–001, U.S. Marshals Service Badge & Credentials File;

JUSTICE/USM–002, Internal Affairs System;

JUSTICE/USM–004, Special Deputation Files;

JUSTICE/USM–005, U.S. Marshals Service Prisoner Processing and Population Management-Prisoner Tracking System (PPM–PTS);

JUSTICE/USM–006, United States Marshals Service Training Files;

JUSTICE/USM–007, Warrant Information Network (WIN);

JUSTICE/USM–008, Witness Security Files Information System;

JUSTICE/USM–009, Inappropriate Communications—Threat Information System;

JUSTICE/USM–010, Judicial Facility Security Index System;

JUSTICE/USM–011, Judicial Protection Information System;

JUSTICE/USM–013, U.S. Marshals Service Administrative Proceedings, Claims and Civil Litigation Files;

JUSTICE/USM–016, U.S. Marshals Service (USMS) Key Control Record System;

JUSTICE/USM–017, Judicial Security Staff Inventory; and

JUSTICE/USM–018, United States Marshals Service Alternative Dispute Resolution (ADR) Files and Database Tracking System.

This notice modifies the ''ROUTINE USES'' section of the DOJ System of Records Notices, listed above. Additionally, this notice includes an administrative change to an INTERPOL System of Records Notice titled, JUSTICE/INTERPOL–001, ''INTERPOL-United States National Central Bureau (USNCB) Records System,'' last published in full at 75 FR 27821 (May 18, 2010), and a JMD System of Records Notice titled, JUSTICE/JMD–003, ''Department of Justice Payroll System,'' last published in full at 69 FR 107 (January 2, 2004). This notice adds the ''SECURITY CLASSIFICATION'' section to both DOJ System of Records Notices. This section was not previously published in these System of Records Notices.

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and to Congress on this notice of modified systems of records.

Dated: May 19, 2017.

Peter A. Winn,

Acting Chief Privacy and Civil Liberties Officer, United States Department of Justice.

JUSTICE/DOJ–004

SYSTEM NAME AND NUMBER:

JUSTICE/DOJ–004, Freedom of Information Act, Privacy Act, and Mandatory Declassification Review Records.

SECURITY CLASSIFICATION:

Unclassified and classified information.

SYSTEM LOCATION:

United States Department of Justice, 950 Pennsylvania Ave. NW., Washington, DC 20530–0001, and other Department of Justice offices throughout the country.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Staff, Office of Information Policy, United States Department of Justice, 950 Pennsylvania Avenue NW., Washington, DC 20530–0001.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

[Revise routine use (p) as follows:]

(p) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

* * * * *

[Add routine use (r) as follows:]

(r) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

77 FR 26580 (May 4, 2012): Last published in full.

JUSTICE/DOJ–013

SYSTEM NAME AND NUMBER:

JUSTICE/DOJ–013, Justice Federal Docket Management System [Justice FDMS].

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

U.S. Department of Justice, 950 Pennsylvania Ave. NW., Washington, DC 20530 and other Department of Justice offices.

SYSTEM MANAGER(S) AND ADDRESS:

Technical Issues: Justice Department, Deputy Chief Information Officer for EGovernment, Office of the Chief Information Officer, United States Department of Justice, 950 Pennsylvania Avenue NW., RFK Main Building, Washington, DC 20530.

Policy Issues: Justice Department FDMS Policies System Administrator, Office of Legal Policy, United States Department of Justice, 950 Pennsylvania Avenue NW., RFK Main Building, Washington, DC 20530.

Component Managers can be contacted through the Department's System Managers.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use N. and add routine use M. as follows:]

N. To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

M. To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

72 FR 12196 (March 15, 2007): Last published in full.

JUSTICE/DOJ–014

SYSTEM NAME AND NUMBER:

JUSTICE/DOJ–014, Department of Justice Employee Directory Systems.

SECURITY CLASSIFICATION:

Sensitive But Unclassified Information and/or Controlled Unclassified Information.

SYSTEM LOCATION:

United States Department of Justice, 950 Pennsylvania Ave. NW., Washington, DC 20530–0001, and other Department of Justice offices throughout the United States and abroad.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Privacy and Civil Liberties, Department of Justice, National Place Building, 1331 Pennsylvania Avenue NW., Suite 940, Washington, DC 20530.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (f) as follows:]

(f) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

* * * * *

[Add routine use (l) as follows:]

(l) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

74 FR 57194 (November 4, 2009): Last published in full.

JUSTICE/DOJ–015

SYSTEM NAME AND NUMBER:

JUSTICE/DOJ–015, Department of Justice Employee Assistance Program (EAP) Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Employee Assistance Program (EAP) records are located at the U.S. Department of Justice, 1331 Pennsylvania Avenue NW., Washington, DC 20530, and other Department of Justice (DOJ) offices throughout the country. For those components that operate component-specific EAPs, records are located at the component's primary location and/or its field division sites. The main address for each DOJ component is posted on the DOJ Web site, *www.justice.gov.* EAP records for components that utilize contractors in providing EAP services may also be maintained by such contractors, on behalf of the Department, at the contractor's location. To determine the location of particular EAP records, contact the appropriate EAP Privacy Act system manager, whose contact information is listed below in the System Managers and Addresses section.

SYSTEM MANAGER(S) AND ADDRESS:

EAP records are located at various DOJ-operated and contractor-operated facilities. Six components of the DOJ operate component-specific EAPs. The primary Privacy Act system manager and address for component-specific EAPs are as follows:

ATF: EAP Administrator, Human Resources Division, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 99 New York Ave. NE., Washington, DC 20226.

DEA: EAP Administrator, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152.

EOUSA: EAP Administrator, Executive Office for United States Attorneys, 600 E St. NW., Room 2800, Washington, DC 20530.

FBI: EAP Administrator, Federal Bureau of Investigation, 935 Pennsylvania Ave. NW., Room 10190, Washington, DC 20535–0001.

BOP: EAP Administrator, Federal Bureau of Prisons, 320 First St. NW., Room HOLC–871, Washington, DC 20534.

USMS: EAP Administrator, United States Marshals Service, Room 750, CS– 3, Washington, DC 20530.

For all other DOJ components, the primary Privacy Act system manager and address is EAP Administrator, Justice Management Division, U.S. Department of Justice, 1331 Pennsylvania Ave. NW., Suite 1055, Washington, DC 20530.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (i) and add routine use (j) as follows:]

(i) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(j) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

77 FR 5570 (February 3, 2012): Last published in full.

JUSTICE/DOJ–016

SYSTEM NAME AND NUMBER:

JUSTICE/DOJ–016, Debt Collection Enforcement System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The Justice Data Center, Rockville, MD 20854; and the DOJ components and offices throughout the country that have debt collection and enforcement records and/or responsibilities, including the Antitrust Division, the Civil Division, the Civil Rights Division, the Criminal Division, the Justice Management Division (JMD) Debt Collection Management Staff (DCM), the Executive Office for United States Attorneys (EOUSA), the Environment and Natural Resources Division (ENRD), and the Tax Division. Records may also reside in offices of private counsel retained by DOJ pursuant to contract (contract private counsel) to assist with debt collection.

SYSTEM MANAGER(S) AND ADDRESS:

For Debt Collection Management Staff/JMD information contact: FOIA/PA Contact, DOJ/Justice Management Division, 950 Pennsylvania Avenue NW., Room 1111, Washington, DC 20530–0001.

For Antitrust Division information contact: FOIA/PA Unit, DOJ/Antitrust Division, Liberty Square Building, Suite 1000, 450 Fifth Street NW., Washington, DC 20530–0001.

For Civil Division information contact: FOIA/PA Office, DOJ/Civil Division, Room 7304, 20 Massachusetts Avenue NW., Washington, DC 20530–0001.

For Civil Rights Division information contact: FOIA/PA Branch, DOJ/Civil Rights Division, 950 Pennsylvania Avenue NW., BICN, Washington, DC 20530–0001.

For Criminal Division information contact: FOIA/PA Unit, DOJ/Criminal Division, Keeney Building, Suite 1127, Washington, DC 20530–0001.

For Environment and Natural Resources Division information contact: FOIA/PA Office, Law and Policy Section, DOJ/ENRD, P.O. Box 4390, Ben Franklin Station, Washington, DC 20044–4390.

For Executive Office for United States Attorneys (United States Attorneys Offices) information contact: FOIA/PA Staff, DOJ/EOUSA, 600 E Street NW., Room 7300, Washington, DC 20530–0001. Contact information for the individual United States Attorneys Offices in the 94 Federal judicial districts nationwide can be located at *www.usdoj.gov/usao.*

For Tax Division information contact: Assistant Attorney General, Tax Division, U.S. Department of Justice, 950 Pennsylvania Avenue NW., Washington, DC 20530.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (s) as follows:]

(s) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed

breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

* * * * *

[Add routine use (v) as follows:]

(v) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

* * * * *

HISTORY:

77 FR 9965 (February 21, 2012): Last published in full; and

80 FR 14407 (March 19, 2012): Modified to add routine uses.

JUSTICE/DOJ–017

SYSTEM NAME AND NUMBER:

JUSTICE/DOJ–017, Department of Justice, Giglio Information Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records in this system are located at United States Attorneys' Offices and Department of Justice litigating sections with authority to prosecute criminal cases (''DOJ prosecuting offices'') as well as the Federal Bureau of Investigation, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the United States Marshals Service, the Office of the Inspector General, and the Office of Professional Responsibility (''DOJ investigative agencies''). For office locations, see *http://www.justice.gov* and the Web sites for DOJ prosecuting offices and investigative agencies.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for this system are the *Giglio* Requesting Official within each DOJ prosecuting office and the Agency Official within each DOJ investigative agency, as those officials are defined in Section 9–5.100 of the United States Attorneys' Manual. For office locations, see *www.justice.gov* and the Web sites for DOJ prosecuting offices and investigative agencies.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (l) as follows:]

(l) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

* * * * *

[Add routine use (n) as follows:]

(n) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

80 FR 16025 (March 26, 2015): Last published in full.

JUSTICE/COPS–002

SYSTEM NAME AND NUMBER:

JUSTICE/COPS–002, COPS Online Ordering System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at two locations where the Community Oriented Policing Services (COPS) Office operations are supported: 145 N Street NE., Washington, DC 20530, and 1151–D Seven Locks Road, Rockville, MD 20854. Contact information is listed on the COPS Internet Web site, *https://www.cops.usdoj.gov/.*

SYSTEM MANAGER(S) AND ADDRESS:

Information Technology Operations Manager, COPS Office, 145 N Street NE., Washington, DC 20530.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use D. as follows:]

D. To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

* * * * *

[Add routine use J. as follows:]

J. To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

77 FR 28898 (May 16, 2012): Last published in full.

JUSTICE/CRM–001

SYSTEM NAME AND NUMBER:

JUSTICE/CRM–001, Central Criminal Division Index File and Associated Records.

SECURITY CLASSIFICATION:

The system itself is, in whole sensitive and in part, classified to protect national security/foreign policy material. Within the unclassified part, items or records may have Limited Official Use or national security/foreign policy classifications.

SYSTEM LOCATION:

U.S. Department of Justice, Criminal Division, Washington, DC 20530–0001 or a National Archives and Records

Administration (NARA) Regional Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General, Criminal Division, U.S. Department of Justice, 950 Pennsylvania Avenue NW., Washington, DC 20530–0001.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (23) and add routine use (24) as follows:]

(23) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(24) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

72 FR 44182 (August 7, 2007): Last published in full.

JUSTICE/CRM–029

SYSTEM NAME AND NUMBER:

JUSTICE/CRM–029, United States Victims of State Sponsored Terrorism Fund (USVSSTF) File System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records in this system are located at: U.S. Department of Justice, Criminal Division, 950 Pennsylvania Avenue NW., Washington, DC 20530; Federal Records Center, Suitland, MD 20409, 5151 Blazer Parkway, Suite A, Dublin, OH 43017; and 1985 Marcus Avenue, Suite 200, Lake Success, NY 11042.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General, Criminal Division, U.S. Department of Justice, 950 Pennsylvania Avenue NW., Washington, DC 20503–0001.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (i) as follows:]

(i) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

* * * * *

[Add routine use (k) as follows:]

(k) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

81 FR 45539 (July 14, 2016): Last published in full.

JUSTICE/DEA–008

SYSTEM NAME AND NUMBER:

JUSTICE/DEA–008, Investigative Reporting and Filing System.

SECURITY CLASSIFICATION:

Classified and unclassified information.

SYSTEM LOCATION:

Records in this system are located at the Headquarters Offices of the Drug Enforcement Administration (DEA) in the Washington, DC area, at DEA field offices around the world, at Department of Justice Data Centers, at the DEA Data Center, at secure tape backup storage facilities, and at Federal Records Centers. See *www.dea.gov* for DEA office locations.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Operations, Operations Division and Assistant Administrator for Intelligence, Intelligence Division, DEA Headquarters, 8701 Morrissette Drive, Springfield, VA 22152.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (j) as follows:]

(j) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

* * * * *

[Add routine use (ab) as follows:]

(ab) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

77 FR 21808 (April 11, 2012): Last published in full.

JUSTICE/FBI–009

SYSTEM NAME AND NUMBER:

JUSTICE/FBI–009, The Next Generation Identification (NGI) System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records described in this notice are maintained at the Federal Bureau of

Investigation (FBI), Criminal Justice Information Services Division (CJIS), Clarksburg, WV. Some or all system information may be duplicated at other locations, including at FBI facilities, for purposes of system backup, emergency preparedness, and continuity of operations.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Criminal Justice Information Services Division, Federal Bureau of Investigation, 1000 Custer Hollow Road, Clarksburg, WV 26306.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use Z. and add routine use AA. as follows as follows:]

Z. To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

AA. To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

81 FR 27283 (March 5, 2016): Last published in full.

JUSTICE/FBI–019

SYSTEM NAME AND NUMBER:

JUSTICE/FBI–019, Terrorist Screening Records Center (TSRS).

SECURITY CLASSIFICATION:

Classified and unclassified.

SYSTEM LOCATION:

Records described in this notice are maintained at the Terrorist Screening Center, Federal Bureau of Investigation, Washington, DC, and at facilities operated by other government entities for terrorism and national security threat screening, system back-up, and continuity of operations purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Terrorist Screening Center, Federal Bureau of Investigation, FBI Headquarters, 935 Pennsylvania Avenue NW., Washington, DC 20535–0001.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use L. as follows:]

L. To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

* * * * *

[Add routine use N. as follows:]

N. To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

76 FR 77846 (December 14, 2011): Last published in full.

JUSTICE/FBI–020

SYSTEM NAME AND NUMBER:

JUSTICE/FBI–020, Law Enforcement National Data Exchange System (NDEX).

SECURITY CLASSIFICATION:

Sensitive But Unclassified.

SYSTEM LOCATION:

Records will be located at the Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division, 1000 Custer Hollow Road, Clarksburg, WV 26306, and at appropriate locations for system backup and continuity of operations purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, 935 Pennsylvania Ave. NW., Washington, DC 20535–0001.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use D. as follows:]

D. To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

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[Add routine use F. as follows:]

F. To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

72 FR 56793 (October 4, 2007): Last published in full.

JUSTICE/FBI–022

SYSTEM NAME AND NUMBER:

JUSTICE/FBI–022, FBI Data Warehouse System.

SECURITY CLASSIFICATION:

Classified and/or unclassified information.

SYSTEM LOCATION:

Records may be maintained at all locations at which the Federal Bureau of Investigation (FBI) operates or at which

FBI operations are supported, including: J. Edgar Hoover Bldg., 935 Pennsylvania Avenue NW., Washington, DC 20535–0001; FBI Academy and FBI Laboratory, Quantico, VA 22135; FBI Criminal Justice Information Services (CJIS) Division, 1000 Custer Hollow Rd., Clarksburg, WV 26306; FBI Records Management Division, 170 Marcel Drive, Winchester, VA 22602–4843; and FBI field offices, legal attaches, information technology centers, and other components as listed on the FBI's Internet Web site, *http://www.fbi.gov.* Some or all system information may also be duplicated at other locations where the FBI has granted direct access for support of FBI missions, for purposes of system backup, emergency preparedness, and/or continuity of operations.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, 935 Pennsylvania Avenue NW., Washington, DC 20535–0001.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (i.) as follows:]

(i.) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

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[Add routine use (z.) as follows:]

(z.) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

77 FR 40630 (July 10, 2012): Last published in full.

JUSTICE/INTERPOL–001

SYSTEM NAME AND NUMBER:

JUSTICE/INTERPOL–001, INTERPOL-United States National Central Bureau (USNCB) Records System.

SYSTEM LOCATION:

INTERPOL–U.S. National Central Bureau, Department of Justice, Washington, DC 20530.

SYSTEM MANAGER(S) AND ADDRESS:

Director, INTERPOL-United States National Central Bureau, Department of Justice, Washington, DC 20530.

Records Management Officer, INTERPOL-United States National Central Bureau, Department of Justice, Washington, DC 20530.

Chief Information Officer, INTERPO-United States National Central Bureau, Department of Justice, Washington, DC 20530.

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SECURITY CLASSIFICATION:

[Add security classification as follows:]

Sensitive but Unclassified.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (u) and add routine use (v) as follows:]

(u) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(v) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

75 FR 27821 (May 18, 2010): Last published in full.

JUSTICE/JMD–003

SYSTEM NAME AND NUMBER:

JUSTICE/JMD–003, Department of Justice Payroll System.

SYSTEM LOCATION:

This system of records is managed by the Department of Justice (DOJ), Justice Management Division (JMD), Director, Personnel Staff, Washington, DC 20530. DOJ has contracted with the Department of Agriculture's National Finance Center (NFC) in New Orleans, Louisiana, 70129, to maintain payroll information and conduct payroll-related activities for its employees. Conversion to the NFC began in July of 1991 and was incrementally completed as of May of 1993. Payroll records in electronic or paper format may be found in the following locations:

a. Post-Conversion Records: On a computer maintained by the NFC in New Orleans, Louisiana; and at backup facilities in Philadelphia, Pennsylvania. Relevant data may also be stored on Justice Data Center computers or servers at the DOJ for use in distributing payroll and accounting information to the individual DOJ Bureaus and components. Paper and electronic payroll information may be kept at various time and attendance recording and processing stations around the world. Paper records may be located in the DOJ's Personnel Staff, Washington, DC 20530, in servicing personnel offices throughout the DOJ, and in the offices of employee supervisors and managers.

b. Pre-Conversion Historical Records: On magnetic tape at the Justice Data Center in Rockville, Maryland 20854; on microfiche maintained by the DOJ Finance Staff; and in paper format maintained by the DOJ's Finance and Personnel Staffs, servicing personnel offices, and offices of employee supervisors and managers.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Staff, Justice Management Division, Department of Justice, National Place Building, Room 1110, 1331 Pennsylvania Avenue NW., Washington, DC 20530.

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SECURITY CLASSIFICATION:

[Add security classification as follows:]

Sensitive But Unclassified.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use G. as follows:]

G. To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

* * * * *

[Add routine use T. as follows:]

T. To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

69 FR 107 (Jan. 2, 2004): Last published in full.

72 FR 3410 (Jan. 25, 2007): Modified to add a new routine use.

72 FR 51663 (Sept. 10, 2007): Modified to revise existing and add new routine uses.

JUSTICE/NSD–001

SYSTEM NAME AND NUMBER:

JUSTICE/NSD–001, Foreign Intelligence and Counterintelligence Records System.

SECURITY CLASSIFICATION:

The majority of information in this system of records is classified. The remaining information is Sensitive But Unclassified.

SYSTEM LOCATION:

United States Department of Justice, 950 Pennsylvania Ave. NW., Washington, DC 20530–0001.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Counsel for Intelligence Policy, Office of Intelligence Policy & Review, National Security Division, U.S. Department of Justice, 950 Pennsylvania Avenue NW., Washington, DC 20530–0001.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use J. and add routine use K. as follows:]

J. To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

K. To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

72 FR 26153 (May 8, 2007): Last published in full.

JUSTICE/NSD–002

SYSTEM NAME AND NUMBER:

JUSTICE/NSD–002, Registration and Informational Material Files Under the Foreign Agents Registration Act of 1938.

SECURITY CLASSIFICATION:

Sensitive but Unclassified.

SYSTEM LOCATION:

U.S. Department of Justice; National Security Division; 950 Pennsylvania Ave. NW., Washington, DC 20530.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Foreign Agents Registration Unit, Counterespionage Section, National Security Division, U.S. Department of Justice, 950 Pennsylvania Ave. NW., Washington, DC 20530.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise the second to last routine use as follows:]

To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

* * * * *

[Add the below routine use after the last listed routine use as follows:]

To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

72 FR 26156 (May 8, 2007): Last published in full.

JUSTICE/NSD–003

SYSTEM NAME AND NUMBER:

JUSTICE/NSD–003, Registration Files of Individuals Who Have Knowledge of, or Have Received Instruction or Assignment in, Espionage, Counterespionage, or Sabotage Service or Tactics of a Foreign Government or of a Foreign Political Party.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

U.S. Department of Justice; National Security Division; 950 Pennsylvania Avenue NW., Washington, DC 20530.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Foreign Agents Registration Unit; Counterespionage Section; National Security Division; U.S. Department of Justice; 950 Pennsylvania Avenue NW., Washington, DC 20530.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise the second to last routine use as follows:]

To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

* * * * *

[Add the below routine use after the last routine use listed as follows:]

To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

72 FR 26158 (May 8, 2007): Last published in full.

JUSTICE/OCDETF–001

SYSTEM NAME AND NUMBER:

JUSTICE/OCDETF–001, Organized Crime Drug Enforcement Task Forces Management Information System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

OCDETF Fusion Center, Executive Office for OCDETF, U.S. Department of Justice, 1331 Pennsylvania Avenue NW., Suite 1060, Washington, DC 20530. Some or all system information may be duplicated at other locations for purposes of system backup, emergency preparedness, and continuity of operations.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Executive Office for OCDETF, Department of Justice, 950 Pennsylvania Avenue NW., Washington, DC 20530.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (t) as follows:]

(t) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

* * * * *

[Add routine use (v) as follows:]

(v) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

78 FR 56737 (September 13, 2013): Last published in full.

JUSTICE/OCDETF–002

SYSTEM NAME AND NUMBER:

JUSTICE/OCDETF–002, Organized Crime Drug Enforcement Task Force Fusion Center and International Organized Crime Intelligence and Operations Center System.

SECURITY CLASSIFICATION:

Classified and unclassified.

SYSTEM LOCATION:

OCDETF Fusion Center, Executive Office for OCDETF, U.S. Department of Justice, 1331 Pennsylvania Avenue NW., Suite 1060, Washington, DC 20530–0001. Some or all system information may be duplicated at other locations for purposes including system backup, emergency preparedness, and continuity of operations.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Executive Office for OCDETF, U.S. Department of Justice, 950 Pennsylvania Avenue NW., Washington, DC 20530–0001.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (t) as follows:]

(t) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

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[Add routine use (v) as follows:]

(v) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

78 FR 56926 (September 16, 2013): Last published in full.

JUSTICE/OIG–001

SYSTEM NAME AND NUMBER:

JUSTICE/OIG–001, Office of the Inspector General Investigative Records.

SECURITY CLASSIFICATION:

The vast majority of the information in the system is Sensitive but Unclassified. However, there is some classified information as well.

SYSTEM LOCATION:

U.S. Department of Justice, Office of the Inspector General (OIG), 950 Pennsylvania Ave. NW., Washington, DC 20530–0001 and 1425 New York Ave. NW., Suites 7100 and 13100, Washington, DC 20530. During the course of an investigation, records are also kept in the investigations field and area offices, the addresses of which are listed on the OIG's Web site at *http://www.usdoj.gov/oig.*

SYSTEM MANAGER(S) AND ADDRESS:

Office of the General Counsel, Office of the Inspector General, Department of Justice, 950 Pennsylvania Avenue NW., Room 4726, Washington, DC 20530.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (q) as follows:]

(q) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

* * * * *

[Add routine use (t) as follows:]

(t) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

72 FR 36725 (July 5, 2007): Last published in full.

JUSTICE/OPA–001

SYSTEM NAME AND NUMBER:

JUSTICE/OPA–001, Executive Clemency Case Files/Executive Clemency Tracking System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of the Pardon Attorney (OPA), U.S. Department of Justice, Washington, DC 20530.

SYSTEM MANAGER(S) AND ADDRESS:

Pardon Attorney, Office of the Pardon Attorney, U.S. Department of Justice, Washington, DC 20530.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (m) as follows:]

(m) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

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[Add routine use (o) as follows:]

(o) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

76 FR 57078 (September 15, 2011): Last published in full.

JUSTICE/OPR–001

SYSTEM NAME AND NUMBER:

JUSTICE/OPR–001, Office of Professional Responsibility Record Index.

SECURITY CLASSIFICATION:

Unclassified Information and Classified Information.

SYSTEM LOCATION:

United States Department of Justice, 950 Pennsylvania Ave. NW., Washington, DC 20530–0001.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel, Office of Professional Responsibility, Department of Justice, 950 Pennsylvania Avenue NW., Room 3525, Washington, DC 20530.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (18) and add routine use (19) as follows:]

(18) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(19) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

76 FR 66752 (October 27, 2011): Last published in full.

JUSTICE/OVW–001

SYSTEM NAME AND NUMBER:

JUSTICE/OVW–001, Peer Reviewer Database.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office on Violence Against Women, 145 N Street NE., Suite 10W121, Washington, DC 20530. Duplicate information may be stored at other locations for purposes of system backup,

emergency preparedness, and continuity of operations.

SYSTEM MANAGER(S) AND ADDRESS:

Acquisition Liaison Specialist, Office on Violence Against Women, 145 N Street NE., Suite 10W121, Washington, DC 20530.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (f) and add routine use (g) as follows:]

(f) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(g) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

79 FR 28774 (May 19, 2014): Last published in full.

JUSTICE/USM–001

SYSTEM NAME AND NUMBER:

JUSTICE/USM–001, U.S. Marshals Service Badge & Credentials File.

SECURITY CLASSIFICATION:

Limited official use.

SYSTEM LOCATION:

Human Resources Division, United States Marshals Service, CS–3, Washington, DC 20530–1000.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Human Resources Division, United States Marshals Service, CS–3, Washington, DC 20530–1000.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (k) and add routine use (l) as follows:]

(k) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(l) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

72 FR 33515, 516 (June 18, 2007): Last published in full.

JUSTICE/USM–002

SYSTEM NAME AND NUMBER:

JUSTICE/USM–002, Internal Affairs System.

SECURITY CLASSIFICATION:

Limited Official Use.

SYSTEM LOCATION:

United States Marshals Service (USMS), Operations Support Division, CS–3, Washington, DC 20530–1000.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Inspection, Operations Support Division, U.S. Marshals Service, CS–3, Washington, DC 20530–1000.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (l) and add routine use (m) as follows:]

(l) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(m) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

72 FR 33515, 517 (June 18, 2007): Last published in full.

JUSTICE/USM–004

SYSTEM NAME AND NUMBER:

JUSTICE/USM–004, Special Deputation Files.

SECURITY CLASSIFICATION:

Limited Official Use.

SYSTEM LOCATION:

United States Marshals Service (USMS), Investigative Services Division, CS–4, Washington, DC 20530–1000.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Special Deputation Unit, Investigative Services Division, U.S. Marshals Service, CS–4, Washington, DC 20530–1000.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (l) and add routine use (m) as follows:]

(l) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(m) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

72 FR 33515, 518 (June 18, 2007): Last published in full.

JUSTICE/USM–005

SYSTEM NAME AND NUMBER:

JUSTICE/USM–005, U.S. Marshals Service Prisoner Processing and Population Management-Prisoner Tracking System (PPM–PTS).

SECURITY CLASSIFICATION:

Limited Official Use.

SYSTEM LOCATION:

Primary System: Witness Security and Prisoner Operations, U.S. Marshals Service, 11th Floor, CS–4, Washington, DC 20530–1000.

Decentralized Segments: Each district office of the U.S. Marshals Service (USMS) maintains only files on prisoners taken into custody of the U.S. Marshal for the respective district. The addresses of USMS district offices are on the Internet at (*http://www.usmarshals.gov*).

Centralized Segment: The Contractor with whom the USMS has contracted to establish and manage a nationwide integrated health care delivery system and to process and pay medical claims will maintain a single site for appropriate paper documents (*e.g.,* invoices) and automated files online related to these activities (*e.g.,* names and addresses of hospitals, physicians and other health care providers and support service systems).

Medical Records: Records generated by community physicians, hospitals, and ancillary support service systems developed by the Contractor as participants in the Preferred Provider Network (PPN) to deliver health care services for USMS prisoners are maintained by the respective offices of these licensed providers. Addresses of these licensed providers may be obtained by contacting the USMS Office of Interagency Medical Services (OIMS), Prisoner Services Division at the address above.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Witness Security and Prisoner Operations, United States Marshals Service, 11th Floor, CS–4, Washington, DC 20530–1000.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (l) and add routine use (m) as follows:]

(l) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(m) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

72 FR 33515, 519 (June 18, 2007): Last published in full.

JUSTICE/USM–006

SYSTEM NAME AND NUMBER:

JUSTICE/USM–006, United States Marshals Service Training Files.

SECURITY CLASSIFICATION:

Limited official use.

SYSTEM LOCATION:

a. *Primary system:* Human Resources Division, United States Marshals Service, CS–3, Washington, DC 20530–1000.

b. *Decentralized segments:* Individual training files and the Fitness in Total (FIT) Program training assessment files, identified as items (1) and (3) under ''Categories of Records in the System,'' are located also at the USMS Training Academy, Department of Justice, Building 70, Glynco, Georgia 31524. Each district office of the USMS maintains FIT files only on their respective participants in the FIT Program. The addresses of USMS district offices are on the Internet (*http://www.usdoj.gov/marshals/usmsofc.html*).

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Human Resources Division, USMS, CS–3, Washington, DC 20530–1000.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (k) and add routine use (l) as follows:]

(k) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(l) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and

operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

72 FR 33515, 522 (June 18, 2007): Last published in full.

JUSTICE/USM–007

SYSTEM NAME AND NUMBER:

JUSTICE/USM–007, Warrant Information Network (WIN).

SECURITY CLASSIFICATION:

Limited Official Use.

SYSTEM LOCATION:

Primary System: Investigative Services Division, U.S. Marshals Service (USMS), CS–4, Washington, DC 20530–1000.

Decentralized Segments: Each district office of the USMS maintains their own files. The addresses of USMS district offices are available on the Internet at *http://www.usdoj.gov/marshals/usmsofc.html.*

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Investigative Services Division, U.S. Marshals Service, CS–4, Washington, DC 20530–1000.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (l) and add routine use (m) as follows:]

(l) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(m) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

72 FR 9777 (March 5, 2007): Last published in full.

JUSTICE/USM–008

SYSTEM NAME AND NUMBER:

JUSTICE/USM–008, Witness Security Files Information System.

SECURITY CLASSIFICATION:

Limited Official Use.

SYSTEM LOCATION:

Witness Security and Prisoner Operations, United States Marshals Service (USMS), CS–4, Washington, DC 20530–1000.

SYSTEM MANAGER(S) AND ADDRESS:

Witness Security and Prisoner Operations, U.S. Marshals Service, CS–4, Washington, DC 20530–1000.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (j) and add routine use (k) as follows:]

(j) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(k) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

72 FR 33515, 523 (June 18, 2007): Last published in full.

JUSTICE/USM–009

SYSTEM NAME AND NUMBER:

JUSTICE/USM–009, Inappropriate Communications—Threat Information System.

SECURITY CLASSIFICATION:

Limited Official Use.

SYSTEM LOCATION:

Primary System: Investigative Services Division, U.S. Marshals Service (USMS), CS–4, Washington, DC 20530–1000.

Decentralized Segments: Each district office of the USMS maintains their own files. The addresses of USMS district offices are available on the Internet at *http://www.usdoj.gov/marshals/usmsofc.html.*

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Investigative Services Division, U.S. Marshals Service, CS–4, Washington, DC 20530–1000.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (l) and add routine use (m) as follows:]

(l) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(m) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or

national security, resulting from a suspected or confirmed breach.

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HISTORY:

72 FR 33515, 524 (June 18, 2007): Last published in full.

JUSTICE/USM–010

SYSTEM NAME AND NUMBER:

JUSTICE/USM–010, Judicial Facility Security Index System.

SECURITY CLASSIFICATION:

Limited Official Use.

SYSTEM LOCATION:

Judicial Security Division, United States Marshals Service (USMS), CS–3, Washington, DC 20530–1000.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Judicial Facility Security Program, Judicial Security Division, U.S. Marshals Service, CS–3, Washington, DC 20530–1000.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

[Revise routine use (k) and add routine use (l) as follows:]

(k) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(l) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

72 FR 33515, 526 (June 18, 2007): Last published in full.

JUSTICE/USM–011

SYSTEM NAME AND NUMBER:

JUSTICE/USM–011, Judicial Protection Information System.

SECURITY CLASSIFICATION:

Limited Official Use.

SYSTEM LOCATION:

Primary System: Judicial Security Division, United States Marshals Service (USMS), CS–3, Washington, DC 20530–1000.

Decentralized Segments: Each USMS district office maintains their own files. The addresses of the USMS district offices are available on the Internet at *http://www.usdoj.gov/marshals/usmsofc.html.*

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Court Security Program, Judicial Security Division, U.S. Marshals Service, CS–3, Washington, DC 20530–1000.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (j) and add routine use (k) as follows:]

(j) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(k) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

72 FR 33515, 527 (June 18, 2007): Last published in full.

JUSTICE/USM–013

SYSTEM NAME AND NUMBER:

JUSTICE/USM–013, U.S. Marshals Service Administrative Proceedings, Claims and Civil Litigation Files.

SECURITY CLASSIFICATION:

Limited Official Use.

SYSTEM LOCATION:

Office of General Counsel, U.S. Marshals Service (USMS), CS–3, Washington, DC 20530–1000.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Office of General Counsel, U.S. Marshals Service, CS–3, Washington, DC 20530–1000.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[Revise routine use (l) and add routine use (m) as follows:]

(l) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(m) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

72 FR 33515, 529 (June 18, 2007): Last published in full.

JUSTICE/USM–016

SYSTEM NAME AND NUMBER:

JUSTICE/USM–016, U.S. Marshals Service (USMS) Key Control Record System.

SECURITY CLASSIFICATION:

Limited Official Use.

SYSTEM LOCATION:

Primary system: Judicial Security Division, United States Marshals Service, CS–3, Washington, DC 20530.

Decentralized segments: USMS headquarters division offices that issue keys to their respective employees.

SYSTEM MANAGER(S) AND ADDRESS:

Judicial Security Division, United States Marshals Service, CS–3, Washington, DC 20530.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

[Revise routine use (i) and add routine use (j) as follows:]

(i) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(j) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

* * * * *

HISTORY:

72 FR 33515, 530 (June 18, 2007): Last published in full.

JUSTICE/USM–017

SYSTEM NAME AND NUMBER:

JUSTICE/USM–017, Judicial Security Staff Inventory.

SECURITY CLASSIFICATION:

Limited Official Use.

SYSTEM LOCATION:

Judicial Security Division (JSD), U.S. Marshals Service (USMS), CS–3, Washington, DC 20530–1000.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Judicial Security Division, U.S. Marshals Service, CS–3, Washington, DC 20530–1000.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

[Revise routine use (i) and add routine use (j) as follows:]

(i) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(j) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

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HISTORY:

72 FR 33515, 531 (June 18, 2007): Last published in full.

JUSTICE/USM–018

SYSTEM NAME AND NUMBER:

JUSTICE/USM–018, United States Marshals Service Alternative Dispute Resolution (ADR) Files and Database Tracking System.

SECURITY CLASSIFICATION:

Limited official use.

SYSTEM LOCATION:

Human Resources Division, United States Marshals Service (USMS), CS–3, Washington, DC 20530–1000.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Human Resources Division, USMS, CS–3, Washington, DC 20530–1000.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

[Revise routine use (k) and add routine use (l) as follows:]

(k) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(l) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

* * * * *

HISTORY:

72 FR 33515, 532 (June 18, 2007): Last published in full.

[FR Doc. 2017–10781 Filed 5–24–17; 8:45 am]

BILLING CODE 4410–NW–P

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting

TIME AND DATE: 11:00 a.m., May 24, 2017.

PLACE: U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: Approval of January 25, 2017 minutes; Reports from the Vice Chairman, Commissioners and Senior Staff; Hearings by Video Conference; Transfer Treaty; Medical Parole-Federal Population.

CONTACT PERSON FOR MORE INFORMATION: Jacqueline Graham, Staff Assistant to the Chairman, U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC 20530, (202) 346–7010.

Dated: May 17, 2017.

J. Patricia W. Smoot,

Chairman, U.S. Parole Commission.

[FR Doc. 2017–10723 Filed 5–23–17; 11:15 am]

BILLING CODE 4410–31–P

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting

TIME AND DATE: 12:00 p.m., Wednesday, May 24, 2017.

PLACE: U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC

STATUS: Closed.

MATTERS TO BE CONSIDERED: Determination on SIX original jurisdiction cases.

CONTACT PERSON FOR MORE INFORMATION: Jacqueline Graham, Staff Assistant to the Chairman, U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC 20530, (202) 346–7010.

Dated: May 17, 2017.

J. Patricia W. Smoot,

Chairman, U.S. Parole Commission.

[FR Doc. 2017–10724 Filed 5–23–17; 11:15 am]

BILLING CODE 4410–31–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by June 26, 2017. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, at the above address, or at *ACApermits@nsf.gov,* or at (703) 292–8224.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541, 45 CFR part 670), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

Permit Application: 2018–002

1. *Applicant:* Dr. William R. Fraser, Polar Oceans Research Group, P.O. Box 368, Sheridan, MT 59749

Activity for Which Permit Is Requested

Enter Antarctic Specially Protected Areas (ASPAs), Take, and Import into the USA. The applicant conducts research as part of the Palmer Station Long-Term Ecological Research Program (Palmer LTER: Land-Shelf-Ocean Connectivity, Ecosystem Resilience and Transformation in a Sea-Ice Influenced Pelagic Ecosystem). The applicant will conduct research into relating variability in seabird ecology to changes in the physical and biological environment, especially sea ice, snow conditions and the availability of prey. The applicants research will comprise two complimentary components at summer breeding colonies of seabirds and in their pelagic marine foraging environment. The applicant will continue long term-research efforts to assess how annual environmental variability affects seabird diets, breeding success, growth rates, survival and recruitment, behavior, population trends, foraging success and seasonal dispersal. The applicant will use the following methods; (1) census populations and mark breeding territories; (2) capture, mark, band and/or weigh adults, chicks and eggs; (3) obtain diet samples by stomach lavage, by screening contents of terrestrial sediment traps and/or by collecting regurgitated or defecated prey items; (4) place transmitters on individuals; (5) place instrumented artificial eggs under incubating individuals; (6) obtain tissue samples from adults and chicks (*e.g.,* preen gland oil, blood, feathers, egg yolk, toenails); (7) collect addles/infertile eggs no longer being incubated; (8) use GPS/GIS technologies to update existing breeding habitat maps; and (9) salvage dead specimens in good condition for educational purposes. The applicant will use all/some of the above methods on the following species; Adelie Penguin, Chinstrap Penguin, Gentoo Penguin, Brown Skua, South Polar Skua, Southern Giant Petrel, Blue-Eyed Shag, Kelp Gull, Snowy Sheathbill. All seabirds involved in this research will be released unharmed. To conduct the research, the applicant plans to enter the following Antarctic Specially Protected Areas; ASPA 107—Dion Islands, ASPA 113—Litchfield Island, ASPA 115—Lagotellerie Island, ASPA 117—Avian Island, ASPA 139—Biscoe Point, and ASPA 170—Charcot Island.

Location

Palmer Station area, Marguerite Bay, Charcot/Alexander Island regions. ASPA 107—Dion Islands, ASPA 113—Litchfield Island, ASPA 115—Lagotellerie Island, ASPA 117—Avian Island, ASPA 139—Biscoe Point, and ASPA 170—Charcot Island.

Dates

October 1, 2017 to September 30, 2022.

Nadene G. Kennedy,

Polar Coordination Specialist, Office of Polar Programs.

[FR Doc. 2017–10681 Filed 5–24–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB Review; Comment Request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995. NSF is forwarding the proposed submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission (including comments) may be found at: *http://www.reginfo.gov/public/do/PRAMain.*

DATES: Written comments on this notice must be received by June 26, 2017, to be assured consideration. Comments received after that date will be

considered to the extent practicable. Send comments to address below.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

NSF 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.

SUPPLEMENTARY INFORMATION: This is the second notice for public comment; the first was published in the **Federal Register** at 81 FR 93967, and no comments were received.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Foundation, including whether the information will have practical utility; (b) the accuracy of the Foundation's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology.

Title of Collection: Evaluation of the National Science Foundation's Innovation Corps Team Program.

OMB Clearance Number: 3145—NEW.

Type of Request: Intent to seek approval to establish an information collection.

Abstract: The Innovation Corps (I-Corps) program was established in 2011 as part of NSF's efforts to encourage a culture of innovation among recipients of research grants. The program provides support and guidance to selected grantees on how to pursue commercial applications of their research. The I-Corps Teams program uses a lean startup approach to encourage scientists to think like entrepreneurs through intensive workshop training and ongoing support. The program focuses on teams comprised of a principal investigator, entrepreneurial lead, and mentor that work together to explore commercialization for their research-derived products.

NSF is supporting the evaluation of the program that includes a rigorous longitudinal outcome/impact evaluation of the I-Corps Team Program using a quasi-experimental design to understand I-Corps impact on teams that go through the program and its impact on team members and academic culture.

The Office of Management and Budget has previously provided clearance for 3 data collection efforts associated with the I-Corps workshops targeting I-Corps grantees. These refer to: (1) A pre-course survey (2) a post-course survey and (3) a longitudinal survey of principal investigators in the program. This request builds on this previously approved information collection for NSF's Engineering IIP Program Monitoring Clearance (OMB Control No. 3145–0238).

This information collection request relates to (1) a proposed survey of principal investigators (PIs) in comparable non-I-Corps NSF projects and (2) In-depth interviews with 10 I-Corps and 10 comparable non-I-Corps teams.

The survey will begin with an initial screening module to identify PIs who have received support for projects with commercial potential and who have desire to act on that potential but have not received an I-Corps grant. PIs with non-Corps NSF-funded projects awarded between 2009 and 2013 will be surveyed. PIs who reported active interest in commercial potential for their research projects will be asked to complete an additional module adapted from the I-Corps Longitudinal Data Collection already approved by OMB for I-Corps team members. The longitudinal survey collects information on project outputs and outcomes related to commercialization of research-based products. PIs not interested in the commercial potential of their research will stop the survey after completing the screening module.

In addition to the comparison between the I-Corps teams and a comparable group based on survey results, the study also includes in-depth interviews to gain an understanding of the influence of participation in the I-Corps program on PIs and other team members as well as to compare the impact of the I-Corps program on industry collaborations and other networking activities. Half of all in-depth interviews will be conducted over the phone while the other half will take place during site visits to the home institutions of the teams selected for the study.

Affected Public: Non-I-Corps Grant recipients of NSF Programs common in the background of I-Corps Teams Program PIs for the survey and 10 I-Corps and 10 non-I-Corps research teams and networks.

Total Respondents: 8,709.

Estimated Total Burden Hours: 1,245 hours.

Dated: May 22, 2017.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2017–10750 Filed 5–24–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) Meeting of the ACRS Subcommittee on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on June 6, 2017, 11545 Rockville Pike, Room T–2B3, Rockville, Maryland 20852.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, June 6, 2017—12:00 p.m. until 1:00 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Quynh Nguyen (Telephone 301–415–5844 or Email: *Quynh.Nguyen@nrc.gov*) five days prior to the meeting, if possible, so that arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the

meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2016, (81 FR 71543).

Information regarding changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the DFO if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown at 240–888–9835 to be escorted to the meeting room.

Dated: May 17, 2017.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2017–10731 Filed 5–24–17; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2016–27; MC2017–136 and CP2017–194; MC2017–137 and CP2017–195]

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 30, 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).:* CP2016–27; *Filing Title:* Notice of United States Postal Service of Change in Prices Pursuant to Amendment to Priority Mail Express, Priority Mail & First-Class Package Service Contract 6, with Portions Filed Under Seal; *Filing Acceptance Date:* May 19, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Kenneth R. Moeller; *Comments Due:* May 30, 2017.

2. *Docket No(s).:* MC2017–136 and CP2017–194; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 321 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* May 19, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Kenneth R. Moeller; *Comments Due:* May 30, 2017.

3. *Docket No(s).:* MC2017–137 and CP2017–195; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 322 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* May 19, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Kenneth R. Moeller; *Comments Due:* May 30, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–10747 Filed 5–24–17; 8:45 am]

BILLING CODE 7710–FW–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collections of information to determine (1) the practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

1. Title and purpose of information collection: Railroad Unemployment

Insurance Act Applications; OMB 3220–0039.

Under Section 2 of the Railroad Unemployment Insurance Act (RUIA), sickness benefits are payable to qualified railroad employees who are unable to work because of illness or injury. In addition, sickness benefits are payable to qualified female employees if they are unable to work, or if working would be injurious, because of pregnancy, miscarriage, or childbirth. Under Section 1(k) of the RUIA a statement of sickness, with respect to days of sickness of an employee, is to be filed with the RRB within a 10-day period from the first day claimed as a day of sickness. The Railroad Retirement Board's (RRB) authority for requesting supplemental medical information is Section 12(i) and 12(n) of the RUIA. The procedures for claiming sickness benefits and for the RRB to obtain supplemental medical information needed to determine a claimant's eligibility for such benefits are prescribed in 20 CFR part 335.

The forms currently used by the RRB to obtain information needed to determine eligibility for, and the amount of, sickness benefits due a claimant follow: Form SI–1a, Application for Sickness Benefits; Form SI–1b, Statement of Sickness; Form SI–3, Claim for Sickness Benefits; Form SI–7, Supplemental Doctor's Statement; Form SI–8, Verification of Medical Information; and Form ID–11A, Requesting Reason for Late Filing of Sickness Benefit. Completion is required to obtain or retain benefits. One response is requested of each respondent.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (82 12859 on March 7, 2017) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Railroad Unemployment Insurance Act Applications.

OMB control number: 3220–0039.

Form(s) submitted: SI–1a, SI–1b, SI–3, SI–3 (Internet), SI–7, SI–8, and ID–11A.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or Households.

Abstract: Under Section 2 of the Railroad Unemployment Insurance Act, sickness benefits are payable to qualified railroad employees who are unable to work because of illness or injury. The collection obtains information from railroad employees and physicians needed to determine eligibility to and the amount of such benefits.

Changes proposed: The RRB proposes no changes to the forms in the collection.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
SI–1a (Employee)	15,700	10	2,617
SI–1b (Doctor)	15,700	8	2,093
SI–3 (Manual)	131,600	5	10,967
SI–3 (Internet)	61,350	5	5,113
SI–7	20,830	8	2,777
SI–8	26	5	2
ID–11A	518	4	35
Total	245,724	.....	23,604

2. Title and Purpose of information collection: Job Information Report, OMB 3220–0193.

The Railroad Retirement Board (RRB) occupational disability standards allow the RRB to request job information from railroad employers to determine an applicant's eligibility for an occupational disability.

To determine an occupational disability, the RRB must obtain the employee's work history and establish if the employee is precluded from performing his or her regular railroad occupation. This is accomplished by comparing the restrictions caused by the impairment(s) against the employee's ability to perform his or her job duties.

To collect the information needed to determine the effect of a disability on an employee applicant's ability to work, the RRB utilizes Form G–251, *Vocational Report* (OMB 3220–0141) which is completed by the applicant.

Form G–251A, Railroad Job Information, requests railroad employers to provide information regarding whether the employee has been medically disqualified from their railroad occupation; a summary of the employee's duties; the machinery, tools and equipment used by the employee; the environmental conditions under which the employee performs their duties; all sensory requirements (vision, hearing, speech) needed to perform the employee's duties; the physical actions and amount of time (frequency) allotted for those actions that may be required by the employee to perform their duties during a typical work day; any permanent working accommodations an employer may have made due to the employee's disability; as well as any other relevant information they may choose to include. Completion is voluntary.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (82 FR 12859 on March 7, 2017) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Title: Job Information Report.

OMB control number: 3220–0193.

Form(s) submitted: G–251A.

Type of request: Extension without change of a currently approved collection.

Affected public: Businesses or other for profits.

Abstract: The collection obtains information used by the Railroad Retirement Board (RRB) to assist in determining whether a railroad employee is disabled from his or her regular occupation. It provides railroad employers with the opportunity to provide information to the RRB regarding the employee applicant's job duties.

Changes proposed: The RRB proposes minor editorial changes to Form G–251A.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–251A	500	60	500

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Dana Hickman at (312) 751–4981 or *Dana.Hickman@RRB.GOV.*

Comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–1275 or *Brian.Foster@rrb.gov* and to the OMB Desk Officer for the RRB, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov.*

Brian D. Foster,

Clearance Officer.

[FR Doc. 2017–10666 Filed 5–24–17; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80728; File No. SR–BatsBZX–2017–26]

Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend BZX Rule 14.11, Other Securities, To Provide for the Inclusion of Cash in an Index Underlying a Series of Index Fund Shares

May 19, 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 12, 2017, Bats BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I 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

The Exchange filed a proposal to amend BZX Rule 14.11, Other Securities, to provide for the inclusion of cash in an index underlying a series of Index Fund Shares.

The text of the proposed rule change is available at the Exchange's Web site at *www.bats.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend BZX Rule 14.11(c), Index Fund Shares, to provide for the inclusion of cash in an index underlying a series of Index Fund Shares (''Shares'').[3] More specifically, BZX Rules 14.11(c)(3) and 14.11(c)(4) provide ''generic'' criteria permitting listing and trading of Shares pursuant to Rule 19b–4(e) under the Act[4] when the underlying index or portfolio satisfies the criteria set forth in BZX Rules 14.11(c)(3) related to equity securities or 14.11(c)(4) related to fixed income securities.

The Exchange understands that certain index providers have included, or intend to include, cash as a component in indexes that also include equity or fixed income securities components. An index provider may, for example, provide a certain index weighting allocation to cash or may periodically change an allocation to cash based on the index provider's assessment of market risk associated with other asset classes in the applicable index. Accordingly, the Exchange proposes to amend BZX Rules 14.11(c)(3) and 14.11(c)(4) to explicitly permit listing and trading of Shares based on an index or portfolio that includes cash as a component.

BZX Rule 14.11(c)(3)(A)(i) currently provides that the component stocks of an index or portfolio of U.S. Component Stocks[5] underlying a series of Shares must meet certain requirements related to the market cap, trading volume, weighting, diversity, and security requirements. BZX Rule 14.11(c)(3)(A)(ii) currently provides that the components of an index or portfolio underlying a series of Shares that consist of either only Non-U.S. Component Stocks[6] or both U.S. Component Stocks and Non-U.S. Component Stocks must meet certain similar requirements related to the market cap, trading volume, weighting, diversity, and security requirements that are either equally or more restrictive than for an index or portfolio of U.S. Component Stocks. Finally, BZX Rule 14.11(c)(4)(B)(i) provides that each component of an index or portfolio that underlies a series of Shares shall meet the following criteria: The index or portfolio must consist of Fixed Income Securities[7] as well as certain requirements related to original principal outstanding, convertible securities, weighting, diversity, and certain issuer requirements. As described below, the proposed amendments to BZX Rule 14.11(c)(3) and 14.11(c)(4) would make clear that cash is permitted to be held as an index or portfolio component and how such

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Index Fund Shares are securities issued by an open-end management investment company based on a portfolio of stocks or fixed income securities or a combination thereof, that seeks to provide investment results that correspond generally to the price and yield performance or total return performance of a specified foreign or domestic stock index, fixed income securities index or combination thereof.

[4] 17 CFR 240.19b–4(e).

[5] Pursuant to BZX Rule 14.11(c)(1)(D), the term ''U.S. Component Stock'' shall mean an equity security that is registered under Sections 12(b) or 12(g) of the Act, or an American Depositary Receipt, the underlying equity security of which is registered under Sections 12(b) or 12(g) of the Act.

[6] Pursuant to BZX Rule 14.11(c)(1)(E), the term ''Non-U.S. Component Stock'' shall mean an equity security that (a) is not registered under Sections 12(b) or 12(g) of the Act, (b) is issued by an entity that is not organized, domiciled or incorporated in the United States, and (c) is issued by an entity that is an operating company (including Real Estate Investment Trusts (REITs) and income trust, but excluding investment trusts, unit trusts, mutual funds, and derivatives).

[7] Pursuant to BZX Rule 14.11(c)(4), Fixed Income Securities are debt securities that are notes, bonds, debentures or evidence of indebtedness that include, but are not limited to, U.S. Department of Treasury securities (''Treasury Securities''), government-sponsored entity securities (''GSE Securities''), municipal securities, trust preferred securities, supranational debt and debt of a foreign country or a subdivision thereof.

cash component should be treated for calculation purposes.

The Exchange proposes to amend BZX Rule 14.11(c)(3)(A)(i) to make clear that the components of an index or portfolio underlying a series of Shares may also include cash. In addition, the percentage weighting criteria in BZX Rule 14.11(c)(3)(A)(i)(a) through (d) each would be amended to make clear that such criteria would be applied only to the U.S. Component Stocks portion of an index or portfolio. For example, in applying the criteria in proposed BZX Rule 14.11(c)(3)(A)(i)(a),[8] if 85% of the weight of an index consists of U.S. Component Stocks and 15% of the index weight is cash, the requirement that component stocks accounting for 90% of the weight of the index or portfolio have a minimum market value of $75 million minimum would be applied only to the 85% portion consisting of U.S. Component Stocks.

The Exchange proposes to amend BZX Rule 14.11(c)(3)(A)(ii), which relates to international or global indexes or portfolios, in order to make clear that components of an index or portfolio underlying a series of Shares may consist of (a) only Non-U.S. Component Stocks, (b) Non-U.S. Component Stocks and cash, (c) both U.S. Component Stocks and Non-U.S. Component Stocks, or (d) U.S. Component Stocks, Non-U.S. Component Stocks and cash. In addition, the percentage weighting criteria in BZX Rule 14.11(c)(3)(A)(ii)(a) thought (d) each would be amended to make clear that such criteria would be applied only to the U.S. and Non-U.S. Component Stocks portions of an index or portfolio.

As noted above, BZX Rule 14.11(c)(4) provides generic criteria applicable to listing and trading of Shares whose underlying index or portfolio includes Fixed Income Securities. The Exchange proposes to amend BZX Rule 14.11(c)(4)(B)(i)(a) to make clear that the index or portfolio may also include cash. In addition, the percentage weighting criteria in BZX Rule 14.11(c)(4)(B)(i)(b), BZX Rule 14.11(c)(4)(B)(i)(d), and BZX Rule 14.11(c)(4)(B)(i)(f) each would be amended to make clear that such criteria would be applied only to the Fixed Income Securities portion of an index or portfolio. For example, in applying the criteria in proposed Rule 14.11(i)(4)(B)(i)(b),[9] if 90% of the weight of an index or portfolio consists of Fixed Income Securities and 10% of the index weight is cash, the requirement that Fixed Income Securities accounting for at least 75% of the weight of the index or portfolio have a minimum original principal amount outstanding of $100 million would be applied only to the 90% portion of the index or portfolio that consists of Fixed Income Securities.

The Exchange notes that the Commission has previously approved Exchange rules allowing portfolios held by issues of Managed Fund Shares (actively-managed exchange-traded funds) under BZX Rule 14.11(i)(4)(C) to include cash.[10] Like the provision in BZX Rule 14.11(i)(4)(C)(iii), which states that there is no limit to cash holdings by an issue of Managed Fund Shares listed under BZX Rule 14.11(i)(4)(C), there is no proposed limit to the weighting of cash in an index underlying a series of Shares. The Exchange believes this is appropriate in that cash does not, in itself, impose investment or market risk.

The Exchange believes the proposed amendments, by permitting inclusion of cash as a component of indexes underlying series of Shares, would provide issuers of Shares with additional choice in indexes permitted to underlie Shares that are permitted to list and trade on the Exchange pursuant to the Rule 19b–4(e), which would enhance competition among market participants, to the benefit of investors and the marketplace. In addition, the proposed amendments would provide investors with greater ability to hold Shares based on underlying indexes that may accord more closely with an investor's assessment of market risk, in that some investors may view cash as a desirable component of an underlying index under certain market conditions.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Sections 6(b)(5) of the Act,[12] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange has in place surveillance procedures that are adequate to properly monitor trading in Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The Exchange notes that, as described above, the percentage weighting criteria in BZX Rule 14.11(c)(3)(A)(i)(a) through (d) (U.S. index or portfolio) each would be amended to make clear that such criteria would apply only to the U.S. Component Stocks portion of an index or portfolio; BZX Rule 14.11(c)(3)(A)(ii)(a) through (d) (international or global index or portfolio) each would be amended to make clear that such criteria would be applied only to the U.S. and Non-U.S. Component Stocks portions of an index or portfolio; and the percentage weighting criteria in BZX Rule 14.11(c)(4)(B)(i)(b), (d), and (f) (fixed income index or portfolio) each would be amended to make clear that such criteria would be applied only to the Fixed Income Securities portion of an index or portfolio. Such applications of the proposed amendments would assure that the weighting requirements in Rules 14.11(c)(3) and 14.11(c)(4) would continue to be applied only to securities in an index or portfolio, and would not be diluted as a result of inclusion of a cash component. In addition, the addition of cash as a permitted component of indexes underlying Shares listed and traded on the Exchange pursuant to Rule 19b–4(e) does not raise regulatory issues because cash does not, in itself, impose investment or market risk and is not susceptible to manipulation.

The Exchange believes the proposed amendments, by explicitly permitting inclusion of cash as a component of indexes underlying series of Shares, would provide issuers of Shares with additional choice in indexes permitted to underlie Shares that are permitted to list and trade on the Exchange pursuant to the Rule 19b–4(e), which would enhance competition among market participants, to the benefit of investors and the marketplace. In addition, the proposed amendments would provide

[8] Proposed changes to BZX Rule 14.11(c)(3)(A)(i)(a) would provide that component stocks (excluding Derivative Securities Products) that in the aggregate account for at least 90% of the weight of the U.S. Component Stocks portion of the index or portfolio (excluding such Derivative Securities Products) each shall have a minimum market value of at least $75 million.

[9] Proposed 14.11(c)(4)(B)(i)(b) would provide that Fixed Income Security components that in aggregate account for at least 75% of the Fixed Income Securities portion of the weight of the index or portfolio each shall have a minimum original principal amount outstanding of $100 million or more.

[10] *See* BZX Rule 14.11(i)(4)(C)(iii).

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

investors with greater ability to hold Shares based on underlying indexes that may accord more closely with an investor's assessment of market risk.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[13] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change would explicitly permit Exchange listing and trading under Rule 19b–4(e) of Shares based on indexes that include cash as a component, which would enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on 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 within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will: (a) By order approve or disapprove such proposed rule change; or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BatsBZX–2017–26 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BatsBZX–2017–26. 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–BatsBZX–2017–26, and should be submitted on or before June 15, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–10686 Filed 5–24–17; 8:45 am]

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[13] 15 U.S.C. 78f(b)(8).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80735; File No. SR–NYSE–2017–11]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change Amending Its Listing Standards for Special Purpose Acquisition Companies To Modify the Initial and Continued Distribution Requirements

May 19, 2017.

On March 20, 2017, the New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its listing standards for Special Purpose Acquisition Companies (''SPAC'') to modify the initial and continued distribution requirements, and to make other minor changes. The proposed rule change was published for comment in the **Federal Register** on April 6, 2017.[3] The Commission received no comments on the proposal.

Section 19(b)(2) of the Act[4] provides that within 45 days of the notice publication of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is May 21, 2017. The Commission is extending this 45-day time period. The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposal. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates July 5, 2017, as the date by which the Commission shall either approve or disapprove, or institute

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 80358 (March 31, 2017), 82 FR 16865 (April 6, 2017) (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSE–2017–11).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–10691 Filed 5–24–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80731; File Nos. SR–DTC–2017–801; SR–FICC–2017–804; SR–NSCC–2017–801]

Self-Regulatory Organizations; The Depository Trust Company; Fixed Income Clearing Corporation; National Securities Clearing Corporation; Notice of No Objection to Advance Notices To Enhance the Credit Risk Rating Matrix and Make Other Changes

May 19, 2017.

On March 22, 2017, The Depository Trust Company (''DTC''), Fixed Income Clearing Corporation (''FICC''), and National Securities Clearing Corporation (''NSCC,'' each a ''Clearing Agency,'' and collectively, ''Clearing Agencies'') filed with the Securities and Exchange Commission (''Commission''), respectively advance notices SR–DTC–2017–801, SR–FICC–2017–804, and SR–NSCC–2017–801 (collectively, the ''Advance Notices'') pursuant to section 806(e)(1) of the Payment, Clearing, and Settlement Supervision Act of 2010 (''Clearing Supervision Act'')[1] and Rule 19b–4(n)(1)(i)[2] under the Securities Exchange Act of 1934 (''Exchange Act'').[3] The Advance Notices were published for comment in the **Federal Register** on April 7, 2017.[4] The Commission received no comments to the Advance Notices. This publication serves as notice that the Commission does not object to the changes set forth in the Advance Notices.

I. Description of the Advance Notices

The Advance Notices consist of proposed modifications to the Rules, By-Laws and Organizational Certificate of DTC (''DTC Rules''), the Rulebook of GSD (''GSD Rules''), the Clearing Rules of MBSD (''MBSD Rules''), and the Rules & Procedures of NSCC (''NSCC Rules'') (collectively, the ''Rules'').[5] The Advance Notices are proposals by the Clearing Agencies to amend the Rules to: (i) Enhance their shared credit risk rating matrix (''Credit Risk Rating Matrix'' or ''CRRM''), which was developed by the Clearing Agencies to evaluate the credit risks posed by certain Clearing Agency members to the Clearing Agencies (and by implication to all of the Clearing Agency members), as a result of providing services to such members; and (ii) make other amendments to the Rules, both related and unrelated to the CRRM, to provide more transparency and description regarding the Clearing Agencies' current ongoing membership monitoring process, as described below.

Currently, the CRRM rates the credit risk presented by members of the Clearing Agencies that are U.S. broker-dealers and U.S. banks. The CRRM assigns a credit rating based on certain quantitative factors (''Credit Rating''), which vary based upon whether the member is a broker-dealer or bank.[6] The current CRRM also uses a relative scoring approach (*i.e.,* rating participants on a curve) and relies on peer grouping of members to calculate the Credit Rating of a member. Ultimately, the ratings generated are based on a 7-point rating system, with ''1'' being the strongest Credit Rating and ''7'' being the weakest Credit Rating. Although the current CRRM does not directly consider qualitative factors, the Clearing Agencies' credit risk staff may manually downgrade a particular member's Credit Rating based on various qualitative factors.[7] Members that receive a Credit Rating of 5, 6, or 7 are placed on the Clearing Agencies' ''Watch List,'' as these members present a greater risk of default.[8]

To improve the coverage and the effectiveness of the current CRRM, the Clearing Agencies are proposing three enhancements, as discussed below. In addition to the enhancements, the Clearing Agencies also propose to make other changes to their Rules to more fully describe the Clearing Agencies' current ongoing membership monitoring process, both related and unrelated to the CRRM, also discussed below.[9]

A. Proposed CRRM Enhancements

Currently, the CRRM is comprised of two Credit Rating models—one for U.S. broker-dealers and one for U.S. banks. The first proposed enhancement would expand the CRRM by adding a third model that would enable the CRRM to generate Credit Ratings for members that are foreign banks or foreign trust companies that have audited financial data that is publicly available. The Credit Rating for these particular members would be based on both quantitative and qualitative factors, as indicated in the second enhancement, below. According to the Clearing Agencies, the expected benefit of this expansion and enhancement of the CRRM would be that the Clearing Agencies could better evaluate the default risk of their foreign bank or foreign trust company members.

The second proposed enhancement would supplement the Clearing Agencies' ability to manually downgrade members by incorporating

[6] 17 CFR 200.30–3(a)(31).

[1] 12 U.S.C. 5465(e)(1). The Financial Stability Oversight Council designated the Clearing Agencies systemically important financial market utilities on July 18, 2012. Financial Stability Oversight Council 2012 Annual Report, Appendix A, *http://www.treasury.gov/initiatives/fsoc/Documents/2012%20Annual%20Report.pdf.* Therefore, the Clearing Agencies are required to comply with the Clearing Supervision Act and file advance notices with the Commission. 12 U.S.C. 5465(e).

[2] 17 CFR 240.19b–4(n)(1)(i).

[3] 15 U.S.C. 78s(b)(1).

[4] Securities Exchange Act Release Nos. 80395 (April 7, 2017), 82 FR 17921 (April 13, 2017) (SR–NSCC–2017–801); 80396 (April 7, 2017), 82 FR 17906 (April 13, 2017) (SR–FICC–2017–804); and 80394 (April 7, 2017), 82 FR 17901 (April 13, 2017) (SR–DTC–2017–801) (''Notices''). The Clearing Agencies also filed proposed rule changes with the Commission pursuant to section 19(b)(1) of the Exchange Act and Rule 19b–4 thereunder, seeking approval of changes to their Rules necessary to implement the proposal. 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b–4, respectively. The proposed rule changes were published for comment in the **Federal Register** on April 11, 2017. Securities Exchange Act Release Nos. 30383 (April 5, 2017), 82 FR 17468 (April 11, 2017) (SR–FICC–2017–006); 80382 (April 5, 2017), 82 FR 17483 (April 11, 2017) (SR–DTC–2017–002); and 80381 (April 5, 2017), 82 FR 17475 (April 11, 2017) (SR–NSCC–2017–002). The Commission did not receive any comments on the proposed rule changes.

[5] *Available at http://www.dtcc.com/en/legal/rules-and-procedures.* FICC is comprised of two divisions: The Government Securities Division (''GSD'') and the Mortgage-Backed Securities Division (''MBSD''). Each division serves as a central counterparty, becoming the buyer and seller to each of their respective members' securities transactions and guarantying settlement of those transactions, even if a member defaults. GSD provides, among other things, clearance and settlement for trades in U.S. Government debt issues. MBSD provides, among other things, clearance and settlement for trades in mortgage-backed securities. GSD and MBSD maintain separate sets of rules, margin models, and clearing funds.

[6] For U.S. broker-dealers, the Clearing Agencies consider size (*i.e.,* total excess net capital), capital, leverage, liquidity, and profitability. For U.S. banks, the Clearing Agencies consider size, capital, asset quality, earnings, and liquidity.

[7] Quantitative factors currently considered by the Clearing Agencies include: (a) Available news reports and/or regulatory observations relating to the member; (b) member's liquidity arrangements; and (c) material changes to the member's organizational structure.

[8] Members on the Watch List are subject to enhanced surveillance by the Clearing Agencies and additional margin charges.

[9] Although each of the Clearing Agencies uses the CRRM uniformly, the description of the respective Clearing Agencies' Rules regarding the CRRM are different. To address this issue, the Clearing Agencies propose to adopt similar Rules at each Clearing Agency.

new qualitative factors into the two existing CRRM models, as well as in the new foreign bank and trust company model.[10] Instead of relying primarily on quantitative data, as do the current CRRM models, the proposed enhancement would modify the CRRM models to blend qualitative factors with quantitative factors to produce a Credit Rating for each applicable member in relation to the member's credit risk. For U.S. banks, foreign banks, and foreign trust companies, the enhanced CRRM would use 70/30 weights between quantitative and qualitative factors to generate Credit Ratings. For U.S. broker-dealers, the weights between quantitative and qualitative factors would be 60/40. According to the Clearing Agencies, these weights were chosen by the Clearing Agencies based on the industry best practice, as well as research and sensitivity analysis conducted by the Clearing Agencies.[11] The Clearing Agencies would review and adjust both the weights and the quantitative and qualitative factors as needed, based on recalibration of the CRRM. According to the Clearing Agencies, this proposed enhancement is expected to reduce the need and the frequency for them to manually override a member's Credit Rating.

The third enhancement would replace the current CRRM's relative scoring approach (which considers other members' Credit Ratings) with a statistical approach that would estimate the absolute probability of default of each member by ranking members based on their individual probability of default. According to the Clearing Agencies, under the current relative scoring approach, a member's Credit Rating can be affected by changes in its peer group, even if the member's financial condition is unchanged. They believe this issue would be addressed by the proposed statistical approach because it would eliminate any potential distortion of the rating from the member's peer group that can occur under the relative scoring approach, and therefore a member's Credit Rating would better reflect the absolute measure of the member's default risk.

B. Proposed Other Changes Related to the CRRM

The Advance Notices also contain a number of other changes to the Clearing Agencies' Rules with respect to the CRRM. Generally, these CRRM-related changes are intended to make the Rules more clear, consistent, and current for members that rely on them. The proposed CRRM-related changes would include:

- Adding both the CRRM and the Watch List to the definitions sections of the Clearing Agencies' Rules;
- Providing more description regarding the Clearing Agencies' continuing ability to downgrade a member's Credit Rating if the Clearing Agencies believe the factors used as part of the CRRM may not identify all risks that a member may present to the Clearing Agencies, and providing more description that any such downgrade could result in the member being placed on the Watch List and/or being subject to enhanced surveillance;
- Providing more description regarding the Clearing Agencies' ability to place non-CRRM members on the Watch List and/or subject them to enhanced surveillance, if necessary under certain specified conditions, such as news reports and/or regulatory observations that raise reasonable concerns relating to the member and material changes to the member's organizational structure;
- Providing more description regarding, with respect to members on the Watch List, that the Clearing Agencies will (i) collect additional deposits to the clearing fund; and (ii) retain deposits in excess of the required deposits;
- Providing more description regarding the Clearing Agencies' ability to continue to monitor and review all members on an ongoing and periodic basis, and that such monitoring may include conducting reviews of news and market developments relating to these members, as well as financial reports and other public information of these members;
- Providing more description regarding both members placed on the Watch List and members subject to enhanced surveillance for other reasons being subject to more thorough monitoring of their financial condition and/or operational capability, and being required to provide more frequent financial disclosures;
- Providing more description regarding thresholds for any margin "add-on charges"[12] not applying to Watch List members, but applying to non-Watch List members; and
- Conforming changes to other sections of the Clearing Agencies' Rules to use consistent terminology and to provide updated cross references.

C. Proposed Other Changes Unrelated to the CRRM

The Clearing Agencies also propose changes that would provide more description regarding the Clearing Agencies' explicit authority to review additional reporting from members regarding their financial or operational condition. Such reporting could include information regarding the businesses and operations of the member and its risk management practices with respect to the Clearing Agencies' services utilized by the member for another person ("Indirect Member"). According to the Clearing Agencies, such a review could result in the member being placed on the Watch List, and/or becoming subject to enhanced surveillance. The Clearing Agencies believe such authority would enable them to better determine whether the member and Indirect Member has sufficient financial resources and monitor compliance with the Clearing Agencies' financial requirements on an ongoing basis.

II. Discussion of Commission Findings

Although the Clearing Supervision Act does not specify a standard of review for an advance notice, its stated purpose is instructive: To mitigate systemic risk in the financial system and promote financial stability by, among other things, promoting uniform risk management standards for systemically important financial market utilities and strengthening the liquidity of systemically important financial market utilities.[13] Section 805(a)(2) of the Clearing Supervision Act authorizes the Commission to prescribe risk management standards for the payment, clearing, and settlement activities of designated clearing entities and financial institutions engaged in designated activities for which it is the Supervisory Agency or the appropriate financial regulator.[14] Section 805(b) of the Clearing Supervision Act[15] states that the objectives and principles for the risk management standards prescribed under section 805(a) shall be to:

- Promote robust risk management;
- Promote safety and soundness;
- Reduce systemic risks; and
- Support the stability of the broader financial system.

[10] Quantitative and qualitative factors used for each of the three models differ. The quantitative factors for foreign banks and foreign trust companies would include size, capital, leverage, liquidity, profitability, and growth. Qualitative factors would include market position and sustainability, information reporting and compliance, management quality, capital management, and business/product diversity. The added qualitative factors for U.S. broker-dealers would include market position and sustainability, management quality, capital management, liquidity management, geographic diversification, business/product diversity, and access to alternative sources of funding. The added qualitative factors for U.S. banks would include the current business environment, regulatory compliance and litigation risk, management quality, liquidity management, and parental demands/needs.

[11] Notices at 82 FR 17923, 17908, 17903.

[12] Add-on charges are margin requirements that are in addition to the Clearing Agencies' primary value-at-risk margin requirement, such as an intraday charge to account for market volatility and a charge for having a concentrated position in a security. *See, e.g.,* NSCC Procedure XV, section 1.(B), *available at http://www.dtcc.com/en/legal/rules-and-procedures.*

[13] 12 U.S.C. 5461(b).

[14] 12 U.S.C. 5464(a)(2).

[15] 12 U.S.C. 5464(b).

The Commission has adopted risk management standards under section 805(a)(2) of the Clearing Supervision Act[16] and section 17A of the Exchange Act (''Rule 17Ad–22'').[17] Rule 17Ad–22 requires registered clearing agencies to establish, implement, maintain, and enforce written policies and procedures that are reasonably designed to meet certain minimum requirements for their operations and risk management practices on an ongoing basis.[18] Therefore, it is appropriate for the Commission to review proposed changes in advance notices against the objectives and principles of these risk management standards as described in section 805(b) of the Clearing Supervision Act and against Rule 17Ad–22.[19]

A. Consistency With Section 805(b) of the Clearing Supervision Act

As discussed below, the Commission believes that the changes proposed in the Advance Notices are consistent with section 805(b) of the Clearing Supervision Act because they: (i) Are designed to reduce systemic risk; (ii) are designed to support the stability of the financial system; (iii) are designed to promote robust risk management; and (iv) are consistent with promoting safety and soundness.

When considering the CRRM enhancements in their entirety, the Commission believes that the proposal could help reduce the systemic risk presented by the Clearing Agencies, which in turn could help support the stability of the broader financial system. The Commission agrees that the proposed enhancements could enable the Clearing Agencies to (i) more effectively evaluate the credit risk presented by a distinct class of members by expanding the CRRM to foreign banks and foreign trust companies; (ii) more effectively incorporate qualitative data into the Credit Rating; and (iii) more accurately measure the absolute probability of default by rated members. Taken together, these enhancements could in turn improve the Clearing Agencies ability to determine and evaluate the credit risk presented by the various types of Clearing Agency members and ensure that, as applied to all rated members, the CRRM could be a more developed and nuanced tool for evaluating the credit risk any member presents to the Clearing Agencies.

The Commission further believes that, by enhancing the Clearing Agencies' ability to make distinctions across their various types of members through the CRRM, the proposed enhancements also could improve the Clearing Agencies' ability to use their risk-management tools in a more targeted way to reduce the risk and impact of a counterparty default, which in turn also could help mitigate the risks and effects on the broader financial system that could be associated with the default of a member. Accordingly, the Commission believes that the CRRM proposal could help reduce systemic risks and support the stability of the financial system, consistent with section 805(b) of the Clearing Supervision Act.[20]

The Commission also believes that the CRRM proposal is designed to promote robust risk management and is consistent with promoting safety and soundness. The Commission agrees that the proposed enhancements to the CRRM could improve the Clearing Agencies' ability to identify and measure the credit risk presented by their various members, which in turn could allow the Clearing Agencies to more effectively target their risk management tools to manage the credit, market, and liquidity risk arising from those members with the highest risk of default. Accordingly, the Commission believes that the CRRM proposal is designed to help promote robust risk management, and is consistent with promoting safety and soundness, consistent with section 805(b) of the Clearing Supervision Act.[21]

B. Consistency With Rules 17Ad–22(e)(1), (e)(3), and (e)(18)

The Commission believes that the changes proposed in the Advance Notices are consistent with Rules 17Ad–22(e)(1), (e)(3)(i), and (e)(18) under the Exchange Act.[22]

The Commission believes that the changes proposed in the Advanced Notice are consistent with Rule 17Ad–22(e)(1) under the Exchange Act, which requires, in part, that the Clearing Agencies ''establish, implement, maintain and enforce written policies and procedures reasonably designed to . . . [p]rovide for a well-founded, clear, transparent and enforceable legal basis for each aspect of its activities.''[23] As described above, the Clearing Agencies propose a number of other changes to their Rules that are designed to update them and to make them more consistent and provide greater description for members that rely on them. As such, the Commission believes that these proposed changes could make the Clearing Agencies' Rules more clear and transparent for members that rely on them, consistent with Rule 17Ad–22(e)(1).

The Commission also believes that the changes proposed in the Advance Notices are consistent with Rule 17Ad–22(e)(3)(i) under the Exchange Act, which requires, in part, that the Clearing Agencies ''establish, implement, maintain and enforce written policies and procedures reasonably designed to . . . [m]aintain a sound risk management framework for comprehensively managing . . . risks that arise in or are born by [the Clearing Agencies], which includes . . . systems designed to identify, measure, monitor and manage the range of risks that arise in or are borne by [the Clearing Agencies].''[24] As discussed above, the CRRM is a risk measurement tool used by the Clearing Agencies to help assess the credit risk presented by their various members. The proposed enhancements to the CRRM could help the Clearing Agencies better identify and measure such risks, which in turn could help facilitate the Clearing Agencies' management of credit, market, and liquidity risk that arises from being a central counterparty (in the case of NSCC and FICC) and central securities depository (in the case of DTC). Accordingly, the Commission believes that the proposed enhancements are designed to help effectively manage the Clearing Agencies' risk exposures, including their credit exposure to participants, arising from their payment, clearing, and settlement processes, consistent with Rule 17Ad–22(e)(3)(i).

Finally, the Commission believes that the proposal is consistent with Rule 17Ad–22(e)(18) under the Exchange Act, which requires, in part, that the Clearing Agencies ''establish, implement, maintain and enforce written policies and procedures reasonably designed to . . . [e]stablish objective, risk-based, and publicly disclosed criteria for participation, which . . . require participants to have sufficient financial resources and robust operational capacity to meet obligations arising from participation in the clearing agency, and monitor compliance with such participation requirements on an ongoing basis.''[25] As described above, the proposal would provide more description regarding the Clearing Agencies' authority to review additional reporting from members regarding their financial or operational condition and

[16] 12 U.S.C. 5464(a)(2).

[17] *See* 17 CFR 240.17Ad–22.

[18] *Id.*

[19] 12 U.S.C. 5464(b).

[20] 12 U.S.C. 5464(b).

[21] 12 U.S.C. 5464(b).

[22] 17 CFR 240.17Ad–22(e)(1); (e)(2); and (e)(3).

[23] 17 CFR 240.17Ad–22(e)(1).

[24] 17 CFR 240.17Ad–22(e)(3)(i).

[25] 17 CFR 240.17Ad–22(e)(18).

the financial information of any Indirect Member. Because such authority could enable the Clearing Agencies to better determine whether the member has sufficient financial resources and monitor compliance with the Clearing Agencies' financial requirements on an ongoing basis, the Commission believes this requirement is consistent with Rule 17Ad–22(e)(18).

III. Conclusion

It is therefore noticed, pursuant to section 806(e)(1)(I) of the Clearing Supervision Act,[26] that the Commission *does not object* to these advance notice proposals (SR–DTC–2017–801, SR–FICC–2017–804, and SR–NSCC–2017–801) and that the Clearing Agencies are *authorized* to implement the proposals as of the date of this notice or the date of an order by the Commission approving a proposed rule change that reflects rule changes that are consistent with the relevant advance notice proposal (SR–FICC–2017–006, SR–DTC–2017–002, SR–NSCC–2017–002), whichever is later.

By the Commission.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–10689 Filed 5–24–17; 8:45 am]

BILLING CODE 8011–01–P

[26] 12 U.S.C. 5465(e)(1)(I).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80734; File Nos. SR–DTC–2017–002; SR–FICC–2017–006; SR–NSCC–2017–002]

Self-Regulatory Organizations; The Depository Trust Company; Fixed Income Clearing Corporation; National Securities Clearing Corporation; Order Approving Proposed Rule Changes To Enhance the Credit Risk Rating Matrix and Make Other Changes

May 19, 2017.

On March 22, 2017, The Depository Trust Company (''DTC''), Fixed Income Clearing Corporation (''FICC''), and National Securities Clearing Corporation (''NSCC,'' each a ''Clearing Agency,'' and collectively, ''Clearing Agencies'') filed with the Securities and Exchange Commission (''Commission'') proposed rule changes SR–DTC–2017–002, SR–FICC–2017–006, and SR–NSCC–2017–002 (collectively, the ''Proposed Rule Changes'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder.[2] The Proposed Rule Changes were published for comment in the **Federal Register** on April 11, 2017.[3] The Commission received no comments to the Proposed Rule Changes. This order approves the Proposed Rule Changes.

I. Description of the Proposed Rule Changes

The Proposed Rule Changes consist of proposed modifications to the Rules, By-Laws and Organizational Certificate of DTC (''DTC Rules''), the Rulebook of GSD (''GSD Rules''), the Clearing Rules of MBSD (''MBSD Rules''), and the Rules & Procedures of NSCC (''NSCC Rules'') (collectively, the ''Rules'').[4] The Proposed Rule Changes are proposals by the Clearing Agencies to amend the Rules to: (i) Enhance their shared credit risk rating matrix (''Credit Risk Rating Matrix'' or ''CRRM''), which was developed by the Clearing Agencies to evaluate the credit risks posed by certain Clearing Agency members to the Clearing Agencies (and by implication to all of the Clearing Agency members), as a result of providing services to such members; and (ii) make other amendments to the Rules, both related and unrelated to the CRRM, to provide more transparency and description regarding the Clearing Agencies' current ongoing membership monitoring process, as described below.

Currently, the CRRM rates the credit risk presented by members of the Clearing Agencies that are U.S. broker-dealers and U.S. banks. The CRRM assigns a credit rating based on certain quantitative factors (''Credit Rating''), which vary based upon whether the member is a broker-dealer or bank.[5] The current CRRM also uses a relative scoring approach (*i.e.,* rating participants on a curve) and relies on peer grouping of members to calculate the Credit Rating of a member. Ultimately, the ratings generated are based on a 7-point rating system, with ''1'' being the strongest Credit Rating and ''7'' being the weakest Credit Rating. Although the current CRRM does not directly consider qualitative factors, the Clearing Agencies' credit risk staff may manually downgrade a particular member's Credit Rating based on various qualitative factors.[6] Members that receive a Credit Rating of 5, 6, or 7 are placed on the Clearing Agencies' ''Watch List,'' as these members present a greater risk of default.[7]

To improve the coverage and the effectiveness of the current CRRM, the Clearing Agencies are proposing three enhancements, as discussed below. In addition to the enhancements, the Clearing Agencies also propose to make other changes to their Rules to more fully describe the Clearing Agencies' current ongoing membership monitoring process, both related and unrelated to the CRRM, also discussed below.[8]

A. Proposed CRRM Enhancements

Currently, the CRRM is comprised of two Credit Rating models—one for U.S. broker-dealers and one for U.S. banks. The first proposed enhancement would expand the CRRM by adding a third model that would enable the CRRM to generate Credit Ratings for members that are foreign banks or foreign trust companies that have audited financial data that is publicly available. The Credit Rating for these particular members would be based on both quantitative and qualitative factors, as indicated in the second enhancement, below. According to the Clearing

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4. The Clearing Agencies also filed the Proposed Rule Changes as advance notices pursuant to Section 806(e)(1) of the Payment, Clearing, and Settlement Supervision Act of 2010 and Rule 19b–4(n)(1) under the Act. 15 U.S.C. 5465(e)(1) and 17 CFR 240.19b–4(n)(1). The advance notices were published for comment in the **Federal Register** on April 7, 2017. *See* Securities Exchange Act Release Nos. 80395 (April 7, 2017), 82 FR 17921 (April 13, 2017) (SR–NSCC–2017–801); 80396 (April 7, 2017), 82 FR 17906 (April 13, 2017) (SR–FICC–2017–804); and 80394 (April 7, 2017), 82 FR 17901 (April 13, 2017) (SR–DTC–2017–801). The Commission did not receive any comments on the advance notices.

[3] Securities Exchange Act Release Nos. 30383 (April 5, 2017), 82 FR 17468 (April 11, 2017) (SR–FICC–2017–006); 80382 (April 5, 2017), 82 FR 17483 (April 11, 2017) (SR–DTC–2017–002); and 80381 (April 5, 2017), 82 FR 17475 (April 11, 2017) (SR–NSCC–2017–002) (''Notices'').

[4] *Available at http://www.dtcc.com/en/legal/rules-and-procedures.* FICC is comprised of two divisions: The Government Securities Division (''GSD'') and the Mortgage-Backed Securities Division (''MBSD''). Each division serves as a central counterparty, becoming the buyer and seller to each of their respective members' securities transactions and guarantying settlement of those transactions, even if a member defaults. GSD provides, among other things, clearance and settlement for trades in U.S. Government debt issues. MBSD provides, among other things, clearance and settlement for trades in mortgage-backed securities. GSD and MBSD maintain separate sets of rules, margin models, and clearing funds.

[5] For U.S. broker-dealers, the Clearing Agencies consider size (*i.e.,* total excess net capital), capital, leverage, liquidity, and profitability. For U.S. banks, the Clearing Agencies consider size, capital, asset quality, earnings, and liquidity.

[6] Quantitative factors currently considered by the Clearing Agencies include: (a) Available news reports and/or regulatory observations relating to the member; (b) member's liquidity arrangements; and (c) material changes to the member's organizational structure.

[7] Members on the Watch List are subject to enhanced surveillance by the Clearing Agencies and additional margin charges.

[8] Although each of the Clearing Agencies uses the CRRM uniformly, the description of the respective Clearing Agencies' Rules regarding the CRRM are different. To address this issue, the Clearing Agencies propose to adopt similar Rules at each Clearing Agency.

Agencies, the expected benefit of this expansion and enhancement of the CRRM would be that the Clearing Agencies could better evaluate the default risk of their foreign bank or foreign trust company members.

The second proposed enhancement would supplement the Clearing Agencies' ability to manually downgrade members by incorporating new qualitative factors into the two existing CRRM models, as well as in the new foreign bank and trust company model.[9] Instead of relying primarily on quantitative data, as do the current CRRM models, the proposed enhancement would modify the CRRM models to blend qualitative factors with quantitative factors to produce a Credit Rating for each applicable member in relation to the member's credit risk. For U.S. banks, foreign banks, and foreign trust companies, the enhanced CRRM would use 70/30 weights between quantitative and qualitative factors to generate Credit Ratings. For U.S. broker-dealers, the weights between quantitative and qualitative factors would be 60/40. According to the Clearing Agencies, these weights were chosen by the Clearing Agencies based on the industry best practice, as well as research and sensitivity analysis conducted by the Clearing Agencies.[10] The Clearing Agencies would review and adjust both the weights and the quantitative and qualitative factors as needed, based on recalibration of the CRRM. According to the Clearing Agencies, this proposed enhancement is expected to reduce the need and the frequency for them to manually override a member's Credit Rating.

The third enhancement would replace the current CRRM's relative scoring approach (which considers other members' Credit Ratings) with a statistical approach that would estimate the absolute probability of default of each member by ranking members based on their individual probability of default. According to the Clearing Agencies, under the current relative scoring approach, a member's Credit Rating can be affected by changes in its peer group, even if the member's financial condition is unchanged. They believe this issue would be addressed by the proposed statistical approach because it would eliminate any potential distortion of the rating from the member's peer group that can occur under the relative scoring approach, and therefore a member's Credit Rating would better reflect the absolute measure of the member's default risk.

B. Proposed Other Changes Related to the CRRM

The Proposed Rule Changes also contain a number of other changes to the Clearing Agencies' Rules with respect to the CRRM. Generally, these CRRM-related changes are intended to make the Rules more clear, consistent, and current for members that rely on them. The proposed CRRM-related changes would include:

- Adding both the CRRM and the Watch List to the definitions sections of the Clearing Agencies' Rules;
- providing more description regarding the Clearing Agencies' continuing ability to downgrade a member's Credit Rating if the Clearing Agencies believe the factors used as part of the CRRM may not identify all risks that a member may present to the Clearing Agencies, and providing more description that any such downgrade could result in the member being placed on the Watch List and/or being subject to enhanced surveillance;
- providing more description regarding the Clearing Agencies' ability to place non-CRRM members on the Watch List and/or subject them to enhanced surveillance, if necessary under certain specified conditions, such as news reports and/or regulatory observations that raise reasonable concerns relating to the member and material changes to the member's organizational structure;
- providing more description regarding, with respect to members on the Watch List, that the Clearing Agencies will (i) collect additional deposits to the clearing fund; and (ii) retain deposits in excess of the required deposits;
- providing more description regarding the Clearing Agencies' ability to continue to monitor and review all members on an ongoing and periodic basis, and that such monitoring may include conducting reviews of news and market developments relating to these members, as well as financial reports and other public information of these members;
- providing more description regarding both members placed on the Watch List and members subject to enhanced surveillance for other reasons being subject to more thorough monitoring of their financial condition and/or operational capability, and being required to provide more frequent financial disclosures;
- providing more description regarding thresholds for any margin ''add-on charges'' [11] not applying to Watch List members, but applying to non-Watch List members; and
- conforming changes to other sections of the Clearing Agencies' Rules to use consistent terminology and to provide updated cross references.

C. Proposed Other Changes Unrelated to the CRRM

The Clearing Agencies also propose changes that would provide more description regarding the Clearing Agencies' explicit authority to review additional reporting from members regarding their financial or operational condition. Such reporting could include information regarding the businesses and operations of the member and its risk management practices with respect to the Clearing Agencies' services utilized by the member for another person (''Indirect Member''). According to the Clearing Agencies, such a review could result in the member being placed on the Watch List, and/or becoming subject to enhanced surveillance. The Clearing Agencies believe such authority would enable them to better determine whether the member and Indirect Member has sufficient financial resources and monitor compliance with the Clearing Agencies' financial requirements on an ongoing basis.

II. Discussion of Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder applicable to such organization.[12] After carefully considering the Proposed Rule Changes, the Commission finds that the Proposed Rule Changes are consistent with the requirements of the Act and the rules

[9] Quantitative and qualitative factors used for each of the three models differ. The quantitative factors for foreign banks and foreign trust companies would include size, capital, leverage, liquidity, profitability, and growth. Qualitative factors would include market position and sustainability, information reporting and compliance, management quality, capital management, and business/product diversity. The added qualitative factors for U.S. broker-dealers would include market position and sustainability, management quality, capital management, liquidity management, geographic diversification, business/product diversity, and access to alternative sources of funding. The added qualitative factors for U.S. banks would include the current business environment, regulatory compliance and litigation risk, management quality, liquidity management, and parental demands/needs.

[10] Notices at 82 FR 17485, 17477, 17470.

[11] Add-on charges are margin requirements that are in addition to the Clearing Agencies' primary value-at-risk margin requirement, such as an intraday charge to account for market volatility and a charge for having a concentrated position in a security. *See, e.g.,* NSCC Procedure XV, Section 1.(B), *supra* note 4.

[12] 15 U.S.C. 78s(b)(2)(C).

and regulations thereunder applicable to the Clearing Agencies. In particular, the Commission believes the proposal is consistent with Section 17A(b)(3)(F) of the Act,[13] as well as Rules 17Ad–22(e)(1), (3), and (18) thereunder.[14]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, in part, that the rules of a clearing agency be designed to (i) promote the prompt and accurate clearance and settlement of securities transactions, (ii) assure the safeguarding of securities and funds which are in the custody and control of the Clearing Agencies or for which it is responsible, and (iii) protect investors and the public interest, generally.[15]

First, the Commission believes that (i) the above described CRRM-related changes that are intended to make the Rules more clear, consistent, and current for members that rely on them, as well as (ii) the above described non-CRRM related changes that are intended to provide more description regarding the Clearing Agencies' explicit authority to review additional reporting from members regarding their financial or operational condition, are each consistent with promoting prompt and accurate clearance and settlement. These changes are designed to provide specificity, clarity, and additional transparency to the Rules by improving the descriptions of the Clearing Agencies' existing practices. Such improved descriptions could help members better understand the Rules, which could help decrease the likelihood of errors in the performance of members' responsibilities to the Clearing Agencies, thereby helping to ensure that the Clearing Agencies' clearing and settlement systems work more efficiently. Therefore, the Commission believes that these Proposed Rule Changes could promote the prompt and accurate clearance and settlement of securities transactions by the Clearing Agencies, consistent with Section 17A(b)(3)(F) of the Act.[16]

Second, the Commission believes that the proposed enhancements to the CRRM are consistent with safeguarding funds within the Clearing Agencies' control. As described above, the Clearing Agencies propose to improve their methodology for calculating CRRM ratings by (i) more effectively evaluating the credit risk presented by a distinct class of members (*i.e.,* foreign banks and foreign trust companies); (ii) more effectively incorporating qualitative data into the Credit Rating; and (iii) more accurately measuring the absolute probability of default by rated members. These enhancements, both individually and collectively, could improve the Clearing Agencies' ability to determine and evaluate the credit risk presented by many of the Clearing Agencies' members, which could enable the Clearing Agencies to deploy more effectively their risk management tools to manage the credit, market, and liquidity risks presented by such members. By enabling the Clearing Agencies to more effectively utilize their risk management tools, the proposed enhancements to the CRRM could help mitigate the risk that the Clearing Agencies would suffer a loss from a member default. Therefore, the Commission believes that these Proposed Rule Changes could help safeguard funds within the Clearing Agencies' control, consistent with Section 17A(b)(3)(F) of the Act.[17]

Third, the Commission believes that the proposed enhancements to the CRRM also could help protect investors and the public interest by mitigating some of the systemic risk presented by FICC and NSCC as central counterparties and by DTC as a securities depository. Because a defaulting member could place stresses on the Clearing Agencies, with respect to the Clearing Agencies' ability to meet their respective clearance and settlement obligations (upon which the broader financial system relies), it is imperative that the Clearing Agencies have a strong understanding of the credit risk presented by their members. As described above, the Proposed Rule Changes would add three enhancements to the CRRM to enable the Clearing Agencies to measure more effectively the credit risk presented by many members. As such, the Clearing Agencies could have a more refined view and understanding of credit risks presented by the CRRM rated members, which could help improve the Clearing Agencies' ability to calculate margin and deploy risk-management tools; thus, improving the likelihood that the Clearing Agencies would continue to meet their clearance and settlement obligations, despite a member default. Accordingly, the Commission believes that the proposed changes related to the CRRM enhancement could help protect investors and the public interest by promoting the stability of the broader financial system, consistent with Section 17A(b)(3)(F) of the Act.[18]

B. Consistency With Rules 17Ad–22(e)(1), (e)(3), and (e)(18)

The Commission believes that the changes proposed in the Proposed Rule Changes are consistent with Rules 17Ad–22(e)(1), (e)(3)(i), and (e)(18) under the Act.[19]

The Commission believes that the changes proposed in the Proposed Rule Changes are consistent with Rule 17Ad–22(e)(1) under the Act, which requires, in part, that the Clearing Agencies ''establish, implement, maintain and enforce written policies and procedures reasonably designed to . . . [p]rovide for a well-founded, clear, transparent and enforceable legal basis for each aspect of its activities.''[20] As described above, the Clearing Agencies propose a number of other changes to their Rules that are designed to update them and to make them more consistent and provide greater description for members that rely on them. As such, the Commission believes that these proposed changes could make the Clearing Agencies' Rules more clear and transparent for members that rely on them, consistent with Rule 17Ad–22(e)(1).

The Commission also believes that the changes proposed in the Proposed Rule Changes are consistent with Rule 17Ad–22(e)(3)(i) under the Act, which requires, in part, that the Clearing Agencies ''establish, implement, maintain and enforce written policies and procedures reasonably designed to . . . [m]aintain a sound risk management framework for comprehensively managing . . . risks that arise in or are born by [the Clearing Agencies], which includes . . . systems designed to identify, measure, monitor and manage the range of risks that arise in or are borne by [the Clearing Agencies].''[21] As discussed above, the CRRM is a risk measurement tool used by the Clearing Agencies to help assess the credit risk presented by their various members. The proposed enhancements to the CRRM could help the Clearing Agencies better identify and measure such risks, which in turn could help facilitate the Clearing Agencies' management of credit, market, and liquidity risk that arises from being a central counterparty (in the case of NSCC and FICC) and central securities depository (in the case of DTC). Accordingly, the Commission believes that the proposed enhancements are

[13] 15 U.S.C. 78q–1(b)(3)(F).

[14] 17 CFR 240.17Ad–22(e)(1), (3), and (18).

[15] 15 U.S.C. 78q–1(b)(3)(F).

[16] *Id.*

[17] *Id.*

[18] *Id.*

[19] 17 CFR 240.17Ad–22(e)(1); (e)(2); and (e)(3).

[20] 17 CFR 240.17Ad–22(e)(1).

[21] 17 CFR 240.17Ad–22(e)(3)(i).

designed to help effectively manage the Clearing Agencies' risk exposures, including their credit exposure to participants, arising from their payment, clearing, and settlement processes, consistent with Rule 17Ad–22(e)(3)(i).

Finally, the Commission believes that the proposal is consistent with Rule 17Ad–22(e)(18) under the Act, which requires, in part, that the Clearing Agencies ''establish, implement, maintain and enforce written policies and procedures reasonably designed to . . . [e]stablish objective, risk-based, and publicly disclosed criteria for participation, which . . . require participants to have sufficient financial resources and robust operational capacity to meet obligations arising from participation in the clearing agency, and monitor compliance with such participation requirements on an ongoing basis.'' [22] As described above, the proposal would provide more description regarding the Clearing Agencies' authority to review additional reporting from members regarding their financial or operational condition and the financial information of any Indirect Member. Because such authority could enable the Clearing Agencies to better determine whether the member has sufficient financial resources and monitor compliance with the Clearing Agencies' financial requirements on an ongoing basis, the Commission believes this requirement is consistent with Rule 17Ad–22(e)(18).

III. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Changes are consistent with the requirements of the Act, in particular the requirements of Section 17A of the Act [23] and the rules and regulations promulgated thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that proposed rule changes SR–DTC–2017–002, SR–FICC–2017–006, and SR–NSCC–2017–002 be and hereby are APPROVED as of the date of this order or the date of a notice by the Commission authorizing the Clearing Agencies to implement their advance notice proposals (SR–DTC–2017–801, SR–FICC–2017–804, and SR–NSCC–2017–801) that are consistent with the Proposed Rule Changes, whichever is later.[24]

[22] 17 CFR 240.17Ad–22(e)(18).

[23] 15 U.S.C. 78q–1.

[24] In approving the proposed rule change, the Commission considered the proposals' impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–10690 Filed 5–24–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80730; File No. SR–NYSEArca–2017–55]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Relating to the Listing and Trading of the GraniteShares Gold Trust Under NYSE Arca Equities Rule 8.201

May 19, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on May 8, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of the GraniteShares Gold Trust under NYSE Arca Equities Rule 8.201. The proposed 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.

[25] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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 list and trade shares (''Shares'') of the GraniteShares Gold Trust (''Trust''), under NYSE Arca Equities Rule 8.201.[4] Under NYSE Arca Equities Rule 8.201, the Exchange may propose to list and/or trade pursuant to unlisted trading privileges (''UTP'') ''Commodity-Based Trust Shares.[5]

The Trust will not be registered as an investment company under the Investment Company Act of 1940, as amended,[6] and is not required to register under such act. The Trust is not a commodity pool for purposes of the Commodity Exchange Act, as amended.[7]

The Sponsor of the Trust is GraniteShares LLC, a Delaware limited liability company. The Bank of New York Mellon is the trustee of the Trust (the ''Trustee'') [8] and ICBC Standard Bank PLC is the custodian of the Trust (the ''Custodian'').[9]

[4] On January 3, 2017, the Trust submitted to the Commission its draft registration statement on Form S–1 (the ''Registration Statement'') under the Securities Act of 1933 (15 U.S.C. 77a) (''Securities Act''). The Jumpstart Our Business Startups Act, enacted on April 5, 2012, added Section 6(e) to the Securities Act. Section 6(e) of the Securities Act provides that an ''emerging growth company'' may confidentially submit to the Commission a draft registration statement for confidential, non-public review by the Commission staff prior to public filing, provided that the initial confidential submission and all amendments thereto shall be publicly filed not later than 21 days before the date on which the issuer conducts a road show, as such term is defined in Securities Act Rule 433(h)(4). An emerging growth company is defined in Section 2(a)(19) of the Securities Act as an issuer with less than $1,000,000,000 total annual gross revenues during its most recently completed fiscal year. The Trust meets the definition of an emerging growth company and consequently has submitted its Form S–1 Registration Statement on a confidential basis with the Commission.

[5] Commodity-Based Trust Shares are securities issued by a trust that represents investors' discrete identifiable and undivided beneficial ownership interest in the commodities deposited into the Trust.

[6] 15 U.S.C. 80a–1.

[7] 17 U.S.C. 1.

[8] The Trustee is responsible for the day-to-day administration of the Trust. The responsibilities of the Trustee include (1) processing orders for the creation and redemption of Baskets; (2) coordinating with the Custodian the receipt and delivery of gold transferred to, or by, the Trust in connection with each issuance and redemption of Baskets; (3) calculating the net asset value of the Trust on each business day; and (4) selling the Trust's gold as needed to cover the Trust's expenses. The Trust does not have a Board of Directors or persons acting in a similar capacity.

[9] The Custodian is responsible for safekeeping the gold owned by the Trust. The Custodian is appointed by the Trustee and is responsible to the Trustee only. The Custodian will facilitate the transfer of gold in and out of the Trust (i) through

The Commission has previously approved listing on the Exchange under NYSE Arca Equities Rules 5.2(j)(5) and 8.201 of other precious metals and gold-based commodity trusts, including the Merk Gold Trust; [10] ETFS Gold Trust,[11] ETFS Platinum Trust [12] and ETFS Palladium Trust (collectively, the ''ETFS Trusts''); [13]APMEX Physical-1 oz. Gold Redeemable Trust; [14] Sprott Gold Trust; [15] SPDR Gold Trust (formerly, streetTRACKS Gold Trust); iShares Silver Trust; [16] iShares COMEX Gold Trust; [17] and Long Dollar Gold Trust.[18] Prior to their listing on the Exchange, the Commission approved listing of the streetTRACKS Gold Trust on the New York Stock Exchange (''NYSE'') [19] and listing of iShares COMEX Gold Trust and iShares Silver Trust on the American Stock Exchange LLC.[20] In addition, the Commission has approved trading of the streetTRACKS Gold Trust and iShares Silver Trust on the Exchange pursuant to UTP.[21]

The Exchange represents that the Shares satisfy the requirements of NYSE Arca Equities Rule 8.201 and thereby qualify for listing on the Exchange.[22]

Operation of the Trust [23]

The investment objective of the Trust will be for the Shares to reflect the performance of the price of gold, less the expenses and liabilities of the Trust. The Trust will issue Shares which represent units of fractional undivided beneficial interest in and ownership of the Trust.

The Trust will not trade in gold futures, options or swap contracts on any futures exchange or over the counter (''OTC''). The Trust will not hold or trade in commodity futures contracts, ''commodity interests'', or any other instruments regulated by the Commodities Exchange Act. The Trust will take delivery of physical gold that complies with the London Bullion Markets Association (''LBMA'') gold delivery rules.

The Shares are intended to constitute a simple and cost-effective means of making an investment similar to an investment in gold. Although the Shares are not the exact equivalent of an investment in gold, they are intended to provide investors with an alternative that allows a level of participation in the gold market through the securities market.

Operation of the Gold Market

The global trade in gold consists of OTC transactions in spot, forwards, and options and other derivatives, together with exchange-traded futures and options.

The OTC gold market includes spot, forward, and option and other derivative transactions conducted on a principal-to-principal basis. While this is a global, nearly 24-hour per day market, its main centers are London, New York, and Zurich.

According to the Registration Statement, most OTC market trades are cleared through London. The LBMA plays an important role in setting OTC gold trading industry standards. A London Good Delivery Bar (as described below), which is acceptable for settlement of any OTC transaction, will be acceptable for delivery to the Trust in connection with the issuance of Baskets.

The most significant gold futures exchange in the U.S. is COMEX, operated by Commodities Exchange, Inc., a subsidiary of New York Mercantile Exchange, Inc., and a subsidiary of the Chicago Mercantile Exchange Group (the ''CME Group''). Other commodity exchanges include the Tokyo Commodity Exchange (''TOCOM''), the Multi Commodity Exchange Of India (''MCX''), the Shanghai Futures Exchange, ICE Futures US (the ''ICE''), and the Dubai Gold & Commodities Exchange.

The London Gold Bullion Market

According to the Registration Statement, most trading in physical gold is conducted on the OTC market, predominantly in London. LBMA coordinates various OTC-market activities, including clearing and vaulting, acts as the principal intermediary between physical gold market participants and the relevant regulators, promotes good trading practices and develops standard market documentation. In addition, the LBMA promotes refining standards for the gold market by maintaining the ''London Good Delivery List,'' which identifies refiners of gold that have been approved by the LBMA. In the OTC market, gold bars that meet the specifications for weight, dimensions, fineness (or purity), identifying marks (including the assay stamp of an LBMA-acceptable refiner) and appearance described in ''The Good Delivery Rules for Gold and Silver Bars'' published by the LBMA are referred to as ''London Good Delivery Bars.'' A London Good Delivery Bar (typically called a ''400 ounce bar'') must contain between 350 and 430 fine troy ounces of gold (1 troy ounce = 31.1034768 grams), with a minimum fineness (or purity) of 995 parts per 1000 (99.5%), be of good appearance and be easy to handle and stack. The fine gold content of a gold bar is calculated by multiplying the gross weight of the bar (expressed in units of 0.025 troy ounces) by the fineness of the bar. A London

the unallocated gold accounts it may maintain for each Authorized Participant or unallocated gold accounts that may be maintained for an Authorized Participant by another gold clearing bank, and (ii) through the unallocated gold accounts it will maintain for the Trust. The Custodian is responsible for allocating specific bars of gold to the Trust Allocated Account. As used herein, ''Trust Allocated Account'' means the loco London gold account established in the name of the Trustee and maintained for the benefit of the Trust by the Custodian on an allocated basis pursuant to a written custody agreement between the Trustee and the Custodian. The Custodian will provide the Trustee with regular reports detailing the gold transfers in and out of the Trust Unallocated Account with the Custodian and identifying the gold bars held in the Trust Allocated Account.

[10] Securities Exchange Act Release No. 71378 (January 23, 2014), 79 FR 4786 (January 29, 2014) (SR–NYSEArca–2013–137).

[11] Securities Exchange Act Release No. 59895 (May 8, 2009), 74 FR 22993 (May 15, 2009) (SR–NYSEArca–2009–40).

[12] Securities Exchange Act Release No. 61219 (December 22, 2009), 74 FR 68886 (December 29, 2009) (SR–NYSEArca–2009–95).

[13] Securities Exchange Act Release No. 61220 (December 22, 2009), 74 FR 68895 (December 29, 2009) (SR–NYSEArca–2009–94).

[14] Securities Exchange Act Release No 66930 (May 7, 2012), 77 FR 27817 (May 11, 2012) (SR–NYSEArca–2012–18)

[15] Securities Exchange Act Release No. 61496 (February 4, 2010), 75 FR 6758 (February 10, 2010) (SR–NYSEArca–2009–113).

[16] *See* Securities Exchange Act Release No. 58956 (November 14, 2008), 73 FR 71074 (November 24, 2008) (SR–NYSEArca–2008–124) (approving listing on the Exchange of the iShares Silver Trust)).

[17] *See* Securities Exchange Act Release No.56224 (August 8, 2007), 72 FR 45850 (August 15, 2007) (SR–NYSEArca–2007–76) (approving listing on the Exchange of the street TRACKS Gold Trust); Securities Exchange Act Release No. 56041 (July 11, 2007), 72 FR 39114 (July 17, 2007) (SR–NYSEArca–2007–43) (order approving listing on the Exchange of iShares COMEX Gold Trust).

[18] *See* Securities Exchange Act Release No. 79518 (December 9, 2016), 81 FR 90876 (December 15, 2016) (SR–NYSEArca–2016–84) (order approving listing and trading of shares of the Long Dollar Gold Trust).

[19] *See* Securities Exchange Act Release No. 50603 (October 28, 2004), 69 FR 64614 (November 5, 2004) (SR–NYSE–2004–22) (order approving listing of street TRACKS Gold Trust on NYSE).

[20] *See* Securities Exchange Act Release Nos. 51058 (January 19, 2005), 70 FR 3749 (January 26, 2005) (SR–Amex–2004–38) (order approving listing of iShares COMEX Gold Trust on the American Stock Exchange LLC); 53521 (March 20, 2006), 71 FR 14967 (March 24, 2006) (SR–Amex–2005–72) (approving listing on the American Stock Exchange LLC of the iShares Silver Trust).

[21] *See* Securities Exchange Act Release Nos. 53520 (March 20, 2006), 71 FR 14977 (March 24, 2006) (SR–PCX–2005–117) (approving trading on the Exchange pursuant to UTP of the iShares Silver Trust); 51245 (February 23, 2005), 70 FR 10731 (March 4, 2005) (SR–PCX–2004–117) (approving trading on the Exchange of the streetTRACKS Gold Trust pursuant to UTP).

[22] With respect to the application of Rule 10A–3 (17 CFR 240.10A–3) under the Act, the Trust relies on the exemption contained in Rule 10A–3(c)(7).

[23] The description of the operation of the Trust, the Shares and the gold market contained herein are based, in part, on the Registration Statement. *See* note 4, *supra.*

Good Delivery Bar must also bear the stamp of one of the refiners identified on the London Good Delivery List.

Following the enactment of the Financial Markets Act 2012, the Prudential Regulation Authority of the Bank of England is responsible for regulating most of the financial firms that are active in the bullion market, and the Financial Conduct Authority is responsible for consumer and competition issues. Trading in spot, forwards and wholesale deposits in the bullion market is subject to the Non-Investment Products (''NIPS'') Code adopted by market participants.[24]

Creation and Redemption of Shares

The Trust will create and redeem Shares on a continuous basis in one or more blocks of 10,000 Shares (a block of 10,000 Shares is called a ''Basket''). As described below, the Trust will issue Shares in Baskets to certain authorized participants (''Authorized Participants'') on an ongoing basis. Baskets of Shares will only be issued or redeemed in exchange for an amount of gold determined by the Trustee on each day that the Exchange is open for regular trading. No Shares will be issued unless the Custodian has allocated to the Trust's account the corresponding amount of gold. Initially, a Basket will require delivery of 1,000 fine ounces of gold. The amount of gold necessary for the creation of a Basket, or to be received upon redemption of a Basket, will decrease over the life of the Trust, due to the payment or accrual of fees and other expenses or liabilities payable by the Trust.

Baskets may be created or redeemed only by Authorized Participants. Orders must be placed by 3:59 p.m. Eastern Time (''E.T.''). The day on which a Trust receives a valid purchase or redemption order is the order date.

Each Authorized Participant must be a registered broker-dealer, a participant in Depository Trust Corporation (''DTC''), have entered into an agreement with the Trustee (the ''Authorized Participant Agreement'') and be in a position to transfer gold to, and take delivery of gold from, the Custodian through one or more gold accounts. The Authorized Participant Agreement provides the procedures for the creation and redemption of Baskets and for the delivery of gold in connection with such creations or redemptions.

According to the Registration Statement, Authorized Participants, acting on authority of the registered holder of Shares, may surrender Baskets of Shares in exchange for the corresponding Basket Amount announced by the Trustee. Upon surrender of such Shares and payment of the Trustee's applicable fee and of any expenses, taxes or charges (such as stamp taxes or stock transfer taxes or fees), the Trustee will deliver to the order of the redeeming Authorized Participant the amount of gold corresponding to the redeemed Baskets. Shares can only be surrendered for redemption in Baskets of 10,000 Shares each.

Before surrendering Baskets of Shares for redemption, an Authorized Participant must deliver to the Trustee a written request indicating the number of Baskets it intends to redeem and the location where it would like to take delivery of the gold represented by such Baskets. The date the Trustee receives that order determines the Basket Amount to be received in exchange. However, orders received by the Trustee after 3:59 p.m. Eastern Time (''E.T.'') will be rejected.

The redemption distribution from the Trust will consist of a credit to the redeeming Authorized Participant's unallocated account representing the amount of the gold held by the Trust evidenced by the Shares being redeemed as of the date of the redemption order.

Net Asset Value

The NAV of the Trust will be calculated by subtracting the Trust's expenses and liabilities on any day from the value of the gold owned by the Trust on that day; the NAV per Share will be obtained by dividing the NAV of the Trust on a given day by the number of Shares outstanding on that day. On each day on which the Exchange is open for regular trading, the Trustee will determine the NAV as promptly as practicable after 4:00 p.m. E.T. The Trustee will value the Trust's gold on the basis of LBMA Gold Price PM. If there is no LBMA Gold Price PM on any day, the Trustee is authorized to use the most recently announced LBMA Gold Price or another publicly available price as instructed by the Sponsor based on the Sponsor's determination that it fairly represents the value of the gold held by the Trust.

The NAV per Share will be calculated by taking the current price of the Trust's total assets, subtracting any liabilities, and dividing by the total number of Shares outstanding. The offering of the Trust's Shares is a ''best efforts'' offering, which means that the Authorized Participants are not required to purchase a specific number or dollar amount of Shares. Authorized Participants will not receive from the Sponsor, the Trust or any affiliates any fee or other compensation in connection with the offering of the Shares.

Secondary Market Trading

While the Trust seeks to reflect generally the performance of the price of gold less the Trust's expenses and liabilities, Shares may trade at, above or below their NAV. The NAV of Shares will fluctuate with changes in the market value of the Trust's assets. The trading prices of Shares will fluctuate in accordance with changes in their NAV as well as market supply and demand. The amount of the discount or premium in the trading price relative to the NAV may be influenced by non-concurrent trading hours between the major gold markets and the Exchange. While the Shares trade on the Exchange until 4:00 p.m. E.T., liquidity in the market for gold may be reduced after the close of the major world gold markets, including London, Zurich and COMEX. As a result, during this time, trading spreads, and the resulting premium or discount, on Shares may widen.

Availability of Information Regarding Gold

Currently, the Consolidated Tape Plan does not provide for dissemination of the spot price of a commodity such as gold over the Consolidated Tape. However, there will be disseminated over the Consolidated Tape the last sale price for the Shares, as is the case for all equity securities traded on the Exchange (including exchange-traded funds). In addition, there is a considerable amount of information about gold and gold markets available on public Web sites and through professional and subscription services.

Investors may obtain gold pricing information on a 24-hour basis based on the spot price for an ounce of Gold from various financial information service providers, such as Reuters and Bloomberg.

Reuters and Bloomberg, for example, provide at no charge on their Web sites delayed information regarding the spot price of Gold and last sale prices of Gold futures, as well as information about news and developments in the gold market. Reuters and Bloomberg also offer a professional service to subscribers for a fee that provides information on Gold prices directly from market participants. Complete real-time data for Gold futures and options prices traded on the COMEX are available by subscription from Reuters and Bloomberg. There are a variety of

[24] The NIPS Code is available at *http://www.bankofengland.co.uk/markets/Documents/forex/fxjsc/nipscode1111.pdf.*

other public Web sites providing information on gold, ranging from those specializing in precious metals to sites maintained by major newspapers. In addition, the LBMA Gold Price is publicly available at no charge at *www.lbma.org.uk.*

Availability of Information

The intraday indicative value (''IIV'') per Share for the Shares will be disseminated by one or more major market data vendors. The IIV will be calculated based on the amount of gold held by the Trust and a price of gold derived from updated bids and offers indicative of the spot price of gold.[25]

The Web site for the Trust (*www.graniteshares.com*) will contain the following information, on a per Share basis, for the Trust: (a) The mid-point of the bid-ask price [26] at the close of trading (''Bid/Ask Price''), and a calculation of the premium or discount of such price against such NAV; and (b) data in chart format displaying the frequency distribution of discounts and premiums of the Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. The Web site for the Trust will also provide the Trust's prospectus. Finally, the Trust's Web site will provide the last sale price of the Shares as traded in the U.S. market. In addition, information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

Criteria for Initial and Continued Listing

The Trust will be subject to the criteria in NYSE Arca Equities Rule 8.201(e) for initial and continued listing of the Shares.

A minimum of two Baskets or 20,000 Shares will be required to be outstanding at the start of trading, which is equivalent to 2,000 fine ounces of gold or about $2.4m as of April 2017. The Exchange believes that the anticipated minimum number of Shares outstanding at the start of trading is sufficient to provide adequate market liquidity.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Trust subject to the Exchange's existing rules governing the trading of equity securities. Trading in the Shares on the Exchange will occur in accordance with NYSE Arca Equities Rule 7.34(a). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, Commentary .03, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

Further, NYSE Arca Equities Rule 8.201 sets forth certain restrictions on ETP Holders acting as registered Market Makers in the Shares to facilitate surveillance. Under NYSE Arca Equities Rule 8.201(g), an ETP Holder acting as a registered Market Maker in the Shares is required to provide the Exchange with information relating to its trading in the underlying gold, related futures or options on futures, or any other related derivatives. Commentary .04 of NYSE Arca Equities Rule 6.3 requires an ETP Holder acting as a registered Market Maker, and its affiliates, in the Shares to establish, maintain and enforce written policies and procedures reasonably designed to prevent the misuse of any material nonpublic information with respect to such products, any components of the related products, any physical asset or commodity underlying the product, applicable currencies, underlying indexes, related futures or options on futures, and any related derivative instruments (including the Shares).

As a general matter, the Exchange has regulatory jurisdiction over its ETP Holders and their associated persons, which include any person or entity controlling an ETP Holder. A subsidiary or affiliate of an ETP Holder that does business only in commodities or futures contracts would not be subject to Exchange jurisdiction, but the Exchange could obtain information regarding the activities of such subsidiary or affiliate through surveillance sharing agreements with regulatory organizations of which such subsidiary or affiliate is a member.

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares. Trading on the Exchange in the Shares may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which conditions in the underlying gold market have caused disruptions and/or lack of trading, or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. In addition, trading in Shares will be subject to trading halts caused by extraordinary market volatility pursuant to the Exchange's ''circuit breaker'' rule.[27] The Exchange will halt trading in the Shares if the NAV of the Trust is not calculated or disseminated daily. The Exchange may halt trading during the day in which an interruption occurs to the dissemination of the IIV, as described above. If the interruption to the dissemination of the IIV persists past the trading day in which it occurs, the Exchange will halt trading no later than the beginning of the trading day following the interruption.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[28] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may

[25] The IIV on a per Share basis disseminated during the Core Trading Session should not be viewed as a real-time update of the NAV, which is calculated once a day.

[26] The bid-ask price of the Shares will be determined using the highest bid and lowest offer on the Consolidated Tape as of the time of calculation of the closing day NAV.

[27] *See* NYSE Arca Equities Rule 7.12.

[28] FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

obtain trading information regarding trading in the Shares from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[29]

Also, pursuant to NYSE Arca Equities Rule 8.201(g), the Exchange is able to obtain information regarding trading in the Shares and the underlying gold, gold futures contracts, options on gold futures, or any other gold derivative, through ETP Holders acting as registered Market Makers, in connection with such ETP Holders' proprietary or customer trades through ETP Holders which they effect on any relevant market.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

All statements and representations made in this filing regarding (a) the description of the portfolio, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange listing rules specified in this rule filing shall constitute continued listing requirements for listing the Shares of the Trust on the Exchange.

The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Trust to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If the Trust is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Equities Rule 5.5(m).

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Baskets (including noting that Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) how information regarding the IIV is disseminated; (4) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; (5) the possibility that trading spreads and the resulting premium or discount on the Shares may widen as a result of reduced liquidity of gold trading during the Core and Late Trading Sessions after the close of the major world gold markets; and (6) trading information. For example, the Information Bulletin will advise ETP Holders, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Trust. The Exchange notes that investors purchasing Shares directly from the Trust (by delivery of the Creation Basket Deposit) will receive a prospectus. ETP Holders purchasing Shares from the Trust for resale to investors will deliver a prospectus to such investors.

In addition, the Information Bulletin will reference that the Trust is subject to various fees and expenses as will be described in the Registration Statement. The Information Bulletin will also reference the fact that there is no regulated source of last sale information regarding physical gold, that the Commission has no jurisdiction over the trading of gold as a physical commodity, and that the CFTC has regulatory jurisdiction over the trading of gold futures contracts and options on gold futures contracts.

The Information Bulletin will also discuss any relief, if granted, by the Commission or the staff from any rules under the Act.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[30] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.201. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Exchange may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that there is a considerable amount of gold price and gold market information available on public Web sites and through professional and subscription services. Investors may obtain on a 24-hour basis gold pricing information based on the spot price for an ounce of gold from various financial information service providers. Investors may obtain gold pricing information based on the spot price for an ounce of gold from various financial information service providers. Current spot prices also are generally available with bid/ask spreads from gold bullion dealers. In addition, the Trust's Web site will provide pricing information for gold spot prices and the Shares. Market prices for the Shares will be available from a variety of sources including brokerage firms, information Web sites and other information service providers. The NAV of the Trust will be published by the Sponsor on each day that the NYSE Arca is open for regular trading and will be posted on the Trust's Web site. The IIV relating to the Shares will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session. In addition, the LBMA Gold Price is publicly available at no charge at *www.lbma.org.uk.* The Trust's Web site will also provide the Trust's prospectus, as well as the two most recent reports to stockholders. In addition, information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other

[29] For a list of the current members of ISG, *see www.isgportal.org.*

[30] 15 U.S.C. 78f(b)(5).

exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as noted above, investors will have ready access to information regarding gold pricing.

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 the proposed rule change will enhance competition by accommodating Exchange trading of an additional exchange-traded product relating to physical gold.

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 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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2017–55 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2017–55. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2017–55, and should be submitted on or before June 15, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–10688 Filed 5–24–17; 8:45 am]

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[31] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80729; File No. SR–NYSEArca–2017–06]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment No. 2 to a Proposed Rule Change Relating to the Listing and Trading of Shares of the Bitcoin Investment Trust Under NYSE Arca Equities Rule 8.201

May 19, 2017.

On January 25, 2017, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of the Bitcoin Investment Trust under NYSE Arca Equities Rule 8.201. The proposed rule change was published for comment in the **Federal Register** on February 9, 2017.[3]

On March 22, 2017, pursuant to section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.[5] On April 6, 2017, the Exchange filed with the Commission Amendment No. 1 to the proposed rule change. On April 21, 2017, the Commission published notice of Amendment No. 1 and instituted proceedings to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.[6] The Commission has received four comment letters on the proposed rule change.[7]

On May 11, 2017, the Exchange filed with the Commission Amendment No. 2 to 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, as modified by Amendment No. 2, from interested persons.[8]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 79955 (Feb. 3, 2017), 82 FR 10086 (Feb. 9, 2017).

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 80297 (Mar. 22, 2017), 82 FR 15408 (Mar. 28, 2017).

[6] *See* Securities Exchange Act Release No. 80502 (Apr. 21, 2017), 82 FR 19398 (Apr. 27, 2017) (''Order Instituting Proceedings'').

[7] *See* Letters from Joseph Stephen White (Feb. 5, 2017); Anonymous (Feb. 8, 2017); Mark T. Williams, Finance Professor, Boston University (Mar. 13, 2017); Clark J. Haley (Apr. 17, 2017). All comments on the proposed rule change are available on the Commission's Web site at *https://www.sec.gov/comments/sr-nysearca-2017-06/nysearca201706.htm.*

[8] In Amendment No. 2, the Exchange, among other things: (a) Noted the filing, on May 4, 2017, of Amendment No. 2 to its Registration Statement (as defined below) (*see* section II.A.1, *infra* (note 10 under heading ''Purpose''); (b) updated information relating to the components of the XBX Index and trade volumes thereon (*see* section II.A.1, *infra* (discussion in subheading ''Bitcoin Exchanges'')); (c) revised information and statistics relating to the trading volumes on, and market shares of, the largest U.S. dollar denominated bitcoin exchanges (*see* section II.A.1, *infra* (table entitled ''Eight Largest U.S. Dollar-Denominated Bitcoin Exchanges by Trade Volume'' under subheading ''Bitcoin Exchanges'')); and (d) added or modified information relating to in-kind and in-cash creation and redemption of Shares (as defined below) (*see*

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I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of the following under NYSE Arca Equities Rule 8.201: Bitcoin Investment Trust (''Trust''). 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 III 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

Under NYSE Arca Equities Rule 8.201, the Exchange may propose to list and/or trade pursuant to unlisted trading privileges (''UTP'') ''Commodity-Based Trust Shares.'' [9] The Exchange proposes to list and trade shares (''Shares'') of the Trust pursuant to NYSE Arca Equities Rule 8.201.[10]

The sponsor of the Trust is Grayscale Investments, LLC (''Sponsor''), a Delaware limited liability company. The Sponsor is a wholly-owned subsidiary of Digital Currency Group, Inc. (''Digital Currency Group''). The trustee for the Trust is Delaware Trust Company (''Trustee''). The Bank of New York Mellon will be the Trust's transfer agent (in such capacity, ''Transfer Agent'') and the administrator of the Trust (in such capacity, ''Administrator''). Xapo Inc. is the custodian for the Trust (''Custodian'').[11] ALPS Portfolio Solutions Distributor, Inc. will be the marketing agent for the Trust (''Marketing Agent'').

The Trust is a Delaware statutory trust, organized on September 13, 2013, that operates pursuant to a trust agreement between the Sponsor and the Trustee. The Trust has no fixed termination date.

According to the Registration Statement, each Share will represent a proportional interest, based on the total number of Shares outstanding, in the bitcoins held by the Trust, less the Trust's liabilities, which include accrued but unpaid fees and expenses. The Trust's assets will consist solely of bitcoins held on the Trust's behalf by the Custodian. The Trust has not had a cash balance at any time since inception. When selling bitcoins to pay expenses, the Sponsor will endeavor to sell the exact number of bitcoins needed to pay expenses in order to minimize the Trust's holdings of assets other than bitcoin. As a consequence, the Trust expects that it will not record any cash flow from its operations and that its cash balance will be zero at the end of each reporting period.

The activities of the Trust will be limited to (i) issuing ''Baskets'' (as defined below) in exchange for bitcoins deposited by the ''Authorized Participants'' (as defined below) or ''Liquidity Providers'' (as defined below), as applicable, with the Custodian as consideration, (ii) transferring actual bitcoins as necessary to cover the Sponsor's management fee and selling bitcoins as necessary to pay certain other fees that are not contractually assumed by the Sponsor, (iii) transferring actual bitcoins in exchange for Baskets surrendered for redemption by the Authorized Participants, (iv) causing the Sponsor to sell bitcoins on the termination of the Trust and (v) engaging in all administrative and custodial procedures necessary to accomplish such activities in accordance with the provisions of applicable agreements. The Trust is not actively managed. It will not engage in any activities designed to obtain a profit from, or to ameliorate losses caused by, changes in the market price of bitcoins.

According to the Registration Statement, the Trust is neither an investment company registered under the Investment Company Act of 1940, as amended, (''1940 Act'') [12] nor a commodity pool for purposes of the Commodity Exchange Act,[13] and neither the Sponsor nor the Trustee is subject to regulation as a commodity pool operator or a commodity trading adviser in connection with the Shares.

Investment Objective

According to the Registration Statement, and as further described below, the investment objective of the Trust will be for the Shares to reflect the performance of the value of a bitcoin as represented by the TradeBlock XBX Index (''Index''),[14] less the Trust's liabilities and expenses.

The Shares are designed to provide investors with a cost-effective and convenient way to invest in bitcoin. A substantial direct investment in bitcoins may require expensive and sometimes complicated arrangements in connection with the acquisition, security and safekeeping of the bitcoins and may involve the payment of substantial fees to acquire such bitcoins from third-party facilitators through

section II.A.1, *infra* (discussion in subheading ''Creation and Redemption of Shares'')). Amendment No. 2, which amended and replaced the proposed rule change, as modified by Amendment No. 1, in its entirety, is available on the Commission's Web site at: *https://www.sec.gov/comments/sr-nysearca-2017-06/nysearca201706-1749469-151704.pdf.*

[9] Commodity-Based Trust Shares are securities issued by a trust that represent investors' discrete identifiable and undivided beneficial ownership interest in the commodities deposited into the Trust.

[10] On May 4, 2017, the Trust filed Amendment No. 2 to its registration statement (''Registration Statement'') on Form S–1 under the Securities Act of 1933 (15 U.S.C. 77a) (File No. 333–215627). The descriptions of the Trust, the Shares and bitcoin contained herein are based, in part, on the Registration Statement. This Amendment No. 2 to SR–NYSEArca–2017–06 replaces SR–NYSEArca–2017–06 as originally filed and Amendment 1 thereto and supersedes such filing in its entirety. On March 4, 2016, the Trust submitted to the Commission an amended Form D as a business trust. Shares of the Trust have been quoted on OTC Market's OTCQX Best Marketplace under the symbol ''GBTC'' since March 26, 2015. On February 27, 2017, the Trust published an annual report for GBTC for the period ended December 31, 2016. On May 1, 2017, the Trust published a quarterly report for GBTC for the period ended March 31, 2017. Both reports can be found on OTC Market's Web site: *http://www.otcmarkets.com/stock/GBTC/filings.* The Shares will be of the same class and will have the same rights as shares of GBTC. Effective October 28, 2014, the Trust suspended its redemption program for shares of GBTC, in which shareholders were permitted to request the redemption of their shares through Genesis Global Trading, Inc. (formerly known as SecondMarket, Inc.), an affiliate of the Sponsor and the Trust (''Genesis''). According to the Sponsor, freely tradeable shares of GBTC will remain unregistered freely tradeable Shares on the date of the listing of the Shares unless, if authorized by the Trust, holders of GBTC sell the shares in the initial public offering. Restricted shares of GBTC will remain subject to private placement restrictions and the holders of such restricted shares may either (i) continue to hold those shares subject to those restrictions or (ii) if authorized by the Trust, sell the restricted shares in the initial public offering.

[11] According to the Registration Statement, Digital Currency Group owns a minority interest in the Custodian that represents less than 1.0% of the Custodian's equity.

[12] 15 U.S.C. 80a–1.

[13] 17 U.S.C. 1.

[14] The Index is a U.S. dollar-denominated composite reference rate for the price of bitcoin based on the volume-weighted price at trading venues selected by TradeBlock, Inc. (''Index Provider''). According to the Registration Statement, Digital Currency Group, Inc. owns less than 3% of the Index Provider's voting equity either directly or through warrants. See ''Bitcoin Index Price'' below.

cash payments of U.S. dollars. Although the Shares will not be the exact equivalent of a direct investment in bitcoins, they will provide investors with an alternative that constitutes a relatively cost-effective way to participate in bitcoin markets through the securities market.

Overview of the Bitcoin Industry and Market

The following is a brief introduction to the bitcoin industry and the bitcoin market based on information provided in the Registration Statement.

The Bitcoin Network

A bitcoin is a decentralized digital currency that is issued by, and transmitted through, an open-source digital protocol platform using cryptographic security that is known as the ''Bitcoin Network.'' The Bitcoin Network is an online, peer-to-peer user network that hosts a public transaction ledger, known as the ''Blockchain,'' and the source code that comprises the basis for the cryptography and digital protocols governing the Bitcoin Network. No single entity owns or operates the Bitcoin Network, the infrastructure of which is collectively maintained by a decentralized user base. Bitcoins can be used to pay for goods and services or can be converted to fiat currencies, such as the U.S. dollar, at rates determined on electronic marketplaces where exchange participants may first use fiat currency to trade, buy and sell bitcoins based on bid-ask trading (''Bitcoin Exchanges'') or in individual end-user-to-end-user transactions under a barter system.

The Blockchain is comprised of a digital file, downloaded and stored, in whole or in part, on all bitcoin users' software programs. The file includes all ''blocks'' that have been solved by miners and is updated to include new blocks as they are solved. As each newly solved block refers back to and ''connects'' with the immediately prior solved block, the addition of a new block adds to the Blockchain in a manner similar to a new link being added to a chain. Because each new block records outstanding bitcoin transactions, and outstanding transactions are settled and validated through such recording, the Blockchain represents a complete, transparent and unbroken history of all transactions on the Bitcoin Network.

Bitcoins are ''stored'' or reflected on the Blockchain. The Blockchain records the transaction history of all bitcoins in existence and, through the transparent reporting of transactions, allows the Bitcoin Network to verify the association of each bitcoin with the digital wallet that owns them. The Bitcoin Network and bitcoin software programs can interpret the Blockchain to determine the exact bitcoin balance of any digital wallet listed in the Blockchain as having taken part in a transaction on the Bitcoin Network.

In order to own, transfer or use bitcoins, a person generally must have internet access to connect to the Bitcoin Network. Bitcoin transactions between parties occur rapidly (typically between a few seconds and a few minutes) and may be made directly between end-users without the need for a third-party intermediary, although there are entities that provide third-party intermediary services. To prevent the possibility of double-spending a single bitcoin, each transaction is recorded, time stamped and publicly displayed in a block in the publicly available Blockchain. Thus, the Bitcoin Network provides confirmation against double-spending by memorializing every transaction in the Blockchain, which is publicly accessible and downloaded in part or in whole by all users' Bitcoin Network software programs as described above.

The Bitcoin Network is decentralized and does not rely on either governmental authorities or financial institutions to create, transmit or determine the value of bitcoins. Rather, bitcoins are created and allocated by the Bitcoin Network protocol through a ''mining'' process subject to a strict, well-known issuance schedule. The value of bitcoins is determined by the supply of and demand for bitcoins in the bitcoin exchange market (and in private end-user-to-end-user transactions), as well as the number of merchants that accept them. As bitcoin transactions can be broadcast to the Bitcoin Network by any user's bitcoin software and bitcoins can be transferred without the involvement of intermediaries or third parties, there are little or no transaction costs in direct peer-to-peer transactions on the Bitcoin Network. Third-party service providers such as Bitcoin Exchanges and bitcoin third-party payment processing services may charge significant fees for processing transactions and for converting, or facilitating the conversion of, bitcoins to or from fiat currency.

''Off-Blockchain transactions'' involve the transfer of control over, or ownership of, a specific digital wallet holding bitcoins, or of the reallocation of ownership of certain bitcoins in a pooled-ownership digital wallet, such as a digital wallet owned by a Bitcoin Exchange. Off-Blockchain transactions are not truly bitcoin transactions in that they do not involve the transfer of transaction data on the Bitcoin Network and do not reflect a movement of bitcoins between addresses recorded in the Blockchain. Information and data regarding Off-Blockchain transactions are generally not publicly available in contrast to ''true'' bitcoin transactions, which are publicly recorded on the Blockchain. Off-Blockchain transactions are subject to risks as any such transfer of bitcoin ownership is not protected by the protocol behind the Bitcoin Network or recorded in and validated through the Blockchain mechanism.

Overview of Bitcoin Transactions

Prior to engaging in bitcoin transactions, a user must first obtain a digital bitcoin ''wallet'' (analogous to a bitcoin account) in which to store bitcoins. A wallet can be obtained, among other ways, through an open-source software program that generates bitcoin addresses and enables users to engage in the transfer of bitcoins with other users. A user may install a bitcoin software program on a computer or mobile device that will generate a bitcoin wallet or, alternatively, a user may retain a third party to create a digital wallet to be used for the same purpose. There is no limit on the number of digital wallets a user can have, and each such wallet includes one or more unique addresses and a verification system for each address consisting of a ''public key'' and a ''private key,'' which are mathematically related.

In a typical bitcoin transaction, the bitcoin recipient must provide the spending party with the recipient's digital wallet address, an identifying series of 27 to 34 alphanumeric characters that represents the wallet's routing number on the Bitcoin Network and allows the Blockchain to record the sending of bitcoins to the recipient's wallet. The receiving party can provide this address to the spending party in alphanumeric format or an encoded format such as a Quick Response Code (commonly known as a QR Code), which may be scanned by a smartphone or other device to quickly transmit the information. This activity is analogous to a recipient providing an address in wire instructions to the payor so that cash may be wired to the recipient's account.

After the provision of the receiving wallet's digital address, the spending party must enter the address into its bitcoin software program along with the number of bitcoins to be sent. The number of bitcoins to be sent will typically be agreed upon between the two parties based on a set number of bitcoins or an agreed upon conversion

of the value of fiat currency to bitcoins. Most bitcoin software programs also allow, and often suggest, the payment of a transaction fee (also known as a miner's fee). Transaction fees are not required to be included by many bitcoin software programs, but, when they are included, they are paid by the spending party on top of the specified amount of bitcoins being sent in the transaction. Transaction fees, if any, are typically a fractional number of bitcoins (for example, 0.005 or 0.0005 bitcoins) and are automatically transferred by the Bitcoin Network to the bitcoin miner that solves and adds the block recording the spending transaction on the Blockchain.

After the entry of the receiving wallet's address, the number of bitcoins to be sent and the transaction fees, if any, to be paid, the spending party will transmit the spending transaction. The transmission of the spending transaction results in the creation of a data packet by the spending party's bitcoin software program. The data packet includes data showing (i) the receiving wallet's address, (ii) the number of bitcoins being sent, (iii) the transaction fees, if any, and (iv) the spending party's digital signature, verifying the authenticity of the transaction. The data packet also includes references called ''inputs'' and ''outputs,'' which are used by the Blockchain to identify the source of the bitcoins being spent and record the flow of bitcoins from one transaction to the next transaction in which the bitcoins are spent. The digital signature exposes the spending party's digital wallet address and public key to the Bitcoin Network, though, for the receiving party, only its digital wallet address is revealed. The spending party's bitcoin software will transmit the data packet onto the decentralized Bitcoin Network, resulting in the propagation of the information among the software programs of bitcoin users across the Bitcoin Network for eventual inclusion in the Blockchain. Typically, the data will spread to a vast majority of bitcoin miners within the course of less than one minute.

Bitcoin miners record transactions when they solve for and add blocks of information to the Blockchain. When a miner solves for a block, it creates that block, which includes data relating to (i) the solution to the block, (ii) a reference to the prior block in the Blockchain to which the new block is being added and (iii) all transactions that have occurred but have not yet been added to the Blockchain. The miner becomes aware of outstanding, unrecorded transactions through the data packet transmission and propagation discussed above. Typically, bitcoin transactions will be recorded in the next chronological block if the spending party has an internet connection and at least one minute has passed between the transaction's data packet transmission and the solution of the next block. If a transaction is not recorded in the next chronological block, it is usually recorded in the next block thereafter.

Bitcoin transactions that are micropayments (typically, less than 0.01 bitcoins) and that do not include transaction fees to miners are currently deprioritized for recording, meaning that, depending on bitcoin miner policies, these transactions may take longer to record than typical transactions if the transactions do not include a transaction fee. Additionally, transactions initiated by spending wallets with poor connections to the Bitcoin Network (*i.e.,* few or poor quality connections to nodes or ''supernodes'' that relay transaction data) may be delayed in the propagation of their transaction data and, therefore, transaction recording on the Blockchain. Finally, to the extent that a miner chooses to limit the transactions it includes in a solved block (whether by the payment of transaction fees or otherwise), a transaction not meeting that miner's criteria will not be included.

To the extent that a transaction has not yet been recorded, there is a greater chance that the spending wallet can double-spend the bitcoins sent in the original transaction. If the next block solved is by an honest miner not involved in the attempt to double-spend bitcoin and if the transaction data for both the original and double-spend transactions have been propagated onto the Bitcoin Network, the transaction that is received with the earlier time stamp will be recorded by the solving miner, regardless of whether the double-spending transaction includes a larger transaction fee. If the double-spend transaction propagates to the solving miner and the original transaction has not, then the double-spending has a greater chance of success. As a result of the high difficulty in successfully initiating a double-spend without the assistance of a coordinated attack, the probability of success for a double-spend transaction attempt is limited.

Upon the addition of a block included in the Blockchain, the bitcoin software program of both the spending party and the receiving party will show confirmation of the transaction on the Blockchain and reflect an adjustment to the bitcoin balance in each party's digital wallet, completing the bitcoin transaction. Typically, bitcoin software programs will automatically check for and display additional confirmations of six or more blocks in the Blockchain.

To ensure the integrity of bitcoin transactions from the recipient's side (*i.e.,* to prevent double-spending by a payor), every bitcoin transaction is broadcast to the Bitcoin Network and recorded in the Blockchain through the mining process, which time-stamps the transaction and memorializes the change in the ownership of the bitcoin(s) transferred. Adding a block to the Blockchain requires bitcoin miners to exert significant computational effort to verify it is a valid transaction. According to the Registration Statement, requiring this computational effort, or ''proof of work,'' prevents a malicious actor from either adding fraudulent blocks to generate bitcoins (*i.e.,* counterfeit bitcoins) or overwriting existing valid blocks to reverse its prior transactions.

A transaction in bitcoins between two parties is recorded in the Blockchain in a block only if that block is accepted as valid by a majority of the nodes on the Bitcoin Network. Validation of a block is achieved by confirming the cryptographic ''hash value'' included in the block's solution and by the block's addition to the longest confirmed Blockchain on the Bitcoin Network. For a transaction, inclusion in a block on the Blockchain constitutes a ''confirmation'' of the bitcoin transaction. As each block contains a reference to the immediately preceding block, additional blocks appended to and incorporated into the Blockchain constitute additional confirmations of the transactions in such prior blocks, and a transaction included in a block for the first time is confirmed once against double-spending. The layered confirmation process makes changing historical blocks (and reversing transactions) exponentially more difficult the further back one goes in the Blockchain. Bitcoin Exchanges and users can set their own threshold as to how many confirmations are required until funds from the transferor are considered valid. However, statistically speaking, a transaction is virtually final after six confirmations as it would be extremely difficult to challenge the validity of the transaction at that point.

According to the Registration Statement, at this point in the evolution of the Bitcoin Network, bitcoin transactions are considered irreversible. Once a transaction appears in the Blockchain, no one has the authority to reverse it. If someone were to attempt to undo a past transaction in a block recorded on the Blockchain, such individual would have to exert

tremendous processing power in a series of complicated transactions that may not be achieved at this point in the Bitcoin Network's development.

Bitcoin Security and Storage

According to the Registration Statement, all transactions on the Bitcoin Network are secured using public-key cryptography, a technique which underpins many online transactions. Public-key cryptography works by generating two mathematically related keys (one a public key and the other a private key). One of these, the private key, is retained in the individual's digital wallet and the other key is made public and serves as the address to which bitcoin(s) can be transferred and from which money can be transferred by the owner of the bitcoin wallet. In the case of bitcoin transactions, the public key is an address (a string of letters and numbers) that is used to encode payments, which can then only be retrieved with its associated private key, which is used to authorize the transaction. In other words, the payor uses his private key to approve any transfers to a recipient's account. Users on the Bitcoin Network can confirm that the user signed the transaction with the appropriate private key, but cannot reverse engineer the private key from the signature.

According to the Registration Statement, the Custodian is responsible for keeping the private key or keys that provide access to the Trust's digital wallets and vaults secure. Pursuant to a request from the Sponsor or the Trust, the Custodian will establish and maintain an account with one or more wallets (''Wallet Account'') and one or more cold-storage vault accounts (''Vault Account'' and, together with the Wallet Account and any subaccounts associated therewith, the ''Bitcoin Account'') in the name of the Sponsor and the Trust. The Custodian deposits and withdraws bitcoins to and from the Bitcoin Account at the instruction of the Sponsor. The Custodian is responsible for administering the Bitcoin Account.

The Bitcoin Account is maintained by the Custodian and cold storage mechanisms are used for the Vault Account by the Custodian. Each digital wallet of the Trust may be accessed using its corresponding private key. The Custodian's custodial operations maintain custody of the private keys that have been deposited in cold storage at its various vaulting premises which are located in geographically dispersed locations across the world, including but not limited to the United States, Europe (including Switzerland) and South America. According to the Registration Statement, the locations of the vaulting premises change regularly and are kept confidential by the Custodian for security purposes.

The term ''cold storage'' refers to a safeguarding method by which the private keys corresponding to bitcoins stored on a digital wallet are removed from any computers actively connected to the internet. Cold storage of private keys may involve keeping such wallet on a non-networked computer or electronic device or storing the public key and private keys relating to the digital wallet on a storage device (for example, a USB thumb drive) or printed medium (for example, papyrus or paper) and deleting the digital wallet from all computers. According to the Registration Statement, most of the private keys in the Wallet Account and all of the private keys in the Vault Account are kept in cold storage. A digital wallet may receive deposits of bitcoins but may not send bitcoins without use of the bitcoins' corresponding private keys. In order to send bitcoin from a digital wallet in which the private keys are kept in cold storage, either the private keys must be retrieved from cold storage and entered into a bitcoin software program to sign the transaction, or the unsigned transaction must be sent to the ''cold'' server in which the private keys are held for signature by the private keys. At that point, the user of the digital wallet can transfer its bitcoins.

According to the Registration Statement, the Custodian is the custodian of the Trust's private keys and will utilize certain security procedures such as algorithms, codes, passwords, encryption or telephone call-backs in the administration and operation of the Trust and the safekeeping of its bitcoins and private keys. The Custodian has created a Vault Account for the Trust assets in which private keys are placed in cold storage. According to the Registration Statement, the Custodian segregates the private keys stored with it from any other assets it holds or holds for others.

According to the Registration Statement, multiple distinct private keys must sign any transaction in order to transfer the Trust's bitcoins from a multi-signature address to any other address on the Bitcoin blockchain. Distinct private keys required for multi-signature address transfers reside in geographically dispersed vault locations. The Custodian refers to these vault locations, where transactions are signed by private keys, as ''signing vaults.'' In addition to multiple signing vaults, the Custodian maintains multiple ''back-up vaults'' in which backup private keys are stored. According to the Registration Statement, in the event that one or more of the ''signing vaults'' were to be compromised, back-up vaults can be activated and used as signing vaults to complete a transaction within 72 hours.

Therefore, according to the Registration Statement, if any one signing vault were to be compromised, it would have no impact on the ability of the Trust to access its bitcoins, other than a possible delay in operations of 72 hours, while one or more of the back-up vaults was transitioned to a signing vault. According to the Registration Statement, these security procedures ensure that there is no single point of failure in the protection of the Trust's assets.

The Custodian is authorized to accept, on behalf of the Trust, deposits of bitcoins from ''Authorized Participant Self-Administered Accounts'' (as defined below) or ''Liquidity Provider Accounts'' (as defined below), as applicable, held with the Custodian and transfer such bitcoins into the Bitcoin Account. Deposits of bitcoins will be immediately available to the Trust to the extent such bitcoins have not already been transferred to the Vault Account. Bitcoins transferred to the Bitcoin Account will be directly deposited into digital wallets for which the keys are already in cold storage.

According to the Registration Statement, if bitcoins need to be withdrawn from the Trust in connection with a redemption, the Custodian will ensure that the private keys to those bitcoins sign the withdrawal transaction.

Bitcoin Mining and Creation of New Bitcoins

According to the Registration Statement, the process by which bitcoins are created and bitcoin transactions are verified is called mining.[15] To begin mining, a miner can download and run a mining client, which, like regular Bitcoin Network software programs, turns the user's computer into a ''node'' on the Bitcoin Network that validates blocks. Bitcoin transactions are recorded in new blocks that are added to the Blockchain and new bitcoins being issued to the miners. Miners, through the use of the bitcoin software program, engage in a set of prescribed complex mathematical calculations in order to add a block to the Blockchain and thereby confirm

[15] None of the Trust, Sponsor or Genesis currently participates in mining or has plans to engage in mining in the future.

bitcoin transactions included in that block's data.

In order to add blocks to the Blockchain, a miner must map an input data set (*i.e.,* the Blockchain, plus a block of the most recent Bitcoin Network transactions and an arbitrary number called a ''nonce'') to a desired output data set of a predetermined length, *i.e.,* a hash value, using the SHA–256 cryptographic hash algorithm. Each unique block can only be solved and added to the Blockchain by one miner; therefore, all individual miners and mining pools on the Bitcoin Network are engaged in a competitive process of constantly increasing their computing power to improve their likelihood of solving for new blocks. According to the Registration Statement, as more miners join the Bitcoin Network and its processing power increases, the Bitcoin Network adjusts the complexity of the block-solving equation to maintain a predetermined pace of adding a new block to the Blockchain approximately every ten minutes.

A miner's proposed block is added to the Blockchain once a majority of the nodes on the Bitcoin Network confirms the miner's work. Miners that are successful in adding a block to the Blockchain are automatically awarded bitcoins for their effort plus any transaction fees paid by transferors whose transactions are recorded in the block. This reward system is the method by which new bitcoins enter into circulation to the public.

The supply of new bitcoins is mathematically controlled in a manner so that the number of bitcoins grows at a limited rate pursuant to a pre-set schedule. The number of bitcoins awarded for solving a new block is automatically halved after every 210,000 blocks are added to the Blockchain. Recently, in July 2016, the fixed reward for solving a new block decreased from 25 bitcoins to 12.5 bitcoins per block and this is expected to decrease by half to become 6.25 bitcoins after the next 210,000 blocks have entered the Bitcoin Network, which is expected to be July 2020. This deliberately controlled rate of bitcoin creation means that the number of bitcoins in existence will increase at a controlled rate until the number of bitcoins in existence reaches the pre-determined 21 million bitcoins. According to the Registration Statement, as of April 28, 2017, approximately 16.30 million bitcoins have been mined, and estimates of when the 21 million bitcoin limitation will be reached range up to the year 2140.

Bitcoin Exchanges

According to the Registration Statement, due to the peer-to-peer framework of the Bitcoin Network and the protocols thereunder, transferors and recipients of bitcoins are able to determine the value of the bitcoins transferred by mutual agreement or barter with respect to their transactions. As a result, the most common means of determining the value of a bitcoin is by surveying one or more Bitcoin Exchanges where bitcoins are bought, sold and traded. On each Bitcoin Exchange, bitcoins are traded with publicly disclosed valuations for each transaction, measured by one or more fiat currencies such as the U.S. dollar or the Chinese yuan.

According to the Registration Statement, historically, a large percentage of the global trading volume occurred on self-reported, unregulated exchanges located in China. In January 2017, some of the largest China-based Bitcoin Exchanges implemented certain adjustments to their terms, including the introduction of a 0.2% fixed-rate transaction fee for all bitcoin buy and sell orders. In February 2017, certain smaller China-based Bitcoin Exchanges also imposed or increased trading fees on their respective exchanges. In the subsequent weeks, some of the largest China-based Bitcoin Exchanges halted bitcoin withdrawals. According to the Registration Statement, these events have substantially reduced the volume traded on Chinese exchanges and changed the global liquidity profile for bitcoins.

For example, according to the Registration Statement, from May 10, 2015 to January 24, 2017, the three primary China-based Bitcoin Exchanges, BTCC, Huobi and OKCoin, reported a total trade volume of approximately 1.35 billion bitcoins and an average daily trade volume of 2.16 million bitcoins, comprising more than 95% of the global exchange-traded volume based on data from the Index Provider. According to the Registration Statement, during this period, the exchanges that comprised the Index, including Bitfinex, Bitstamp, GDAX (formerly known as Coinbase Exchange), OKCoin and Kraken (which was only included in the Index on the day of May 10, 2015), reported a total trade volume of 33.03 million bitcoins and an average daily trade volume of approximately 53,000 bitcoins, accounting for approximately 2.3% of the global exchange-traded volume and 78.5% of the U.S. dollar-denominated trade volume.

However, according to the Registration Statement, from January 25, 2017 to April 28, 2017, following the introduction of fixed-rate transaction fees, the three primary China-based Bitcoin Exchanges, BTCC, Huobi and OKCoin, reported a total trade volume of approximately 2.12 million bitcoins and an average daily trade volume of approximately 22,500 bitcoins, comprising only 20.9% of the global exchange-traded volume based on data from the Index Provider. According to the Registration Statement, during this period, the exchanges that comprised the Index, including Bitfinex, Bitstamp, GDAX (formerly known as Coinbase Exchange), itBit and OKCoin (which was removed from the Index on February 17, 2017), reported a total trade volume of approximately 3.78 million bitcoins and an average daily trade volume of nearly 42,000 bitcoins, accounting for 37.3% of the global exchange-traded volume and 68.5% of the U.S. dollar-denominated trade volume.

According to the Registration Statement, similar to other currency pairs, such as euro to bitcoin, movements in pricing on the Chinese exchanges are generally in line with U.S. dollar-denominated exchanges. For example, according to the Registration Statement, based on data from the Index Provider, from May 10, 2015 to April 28, 2017, the 4:00 p.m., Eastern Time (''E.T.''), spot price on the three primary Chinese yuan-denominated exchanges (BTC China, Huobi and OKCoin) differed from the ''Bitcoin Index Price'' (as defined below) by only 2.1% on average.

According to the Registration Statement, bitcoin price indexes have also been developed by a number of service providers in the bitcoin space. For example, Coindesk, a digital currency content provider and wholly-owned subsidiary of Digital Currency Group, launched a proprietary bitcoin price index in September 2013, and bitcoinaverage.com provides an average of all bitcoin prices on several Bitcoin Exchanges. The Sponsor uses the Index calculated by the Index Provider to determine the ''Bitcoin Index Price,'' as described below under ''Bitcoin Index Price.''

Currently, there are numerous Bitcoin Exchanges operating worldwide in a number of currency pairs including, among others, bitcoin to U.S. dollar, bitcoin to euro, bitcoin to Chinese yuan and bitcoin to Indian rupee. According to the Registration Statement, most of the data with respect to prevailing valuations of bitcoin come from such Bitcoin Exchanges. These exchanges include established exchanges such as Bitstamp, GDAX and Bitfinex, which

provide a number of options for buying and selling bitcoins. Among the Bitcoin Exchanges eligible for inclusion in the Index, domicile, regulation and legal compliance varies.

The table below sets forth (1) the aggregate number of bitcoin trades made on the eight largest U.S. dollar-denominated Bitcoin Exchanges by trade volume from May 10, 2015 to April 28, 2017 and (2) the market share of trade volume of each such Bitcoin Exchange.

Eight Largest U.S. Dollar-Denominated Bitcoin Exchanges by Trade Volume [16]	Volume (BTC) [17] [18]	Market share (%)
Bitcoin Exchanges included in the Index as of April 28, 2017:		
Bitfinex	14,966,889	32.27
BitStamp	6,793,553	14.65
GDAX (formerly known as Coinbase Exchange)	5,289,440	11.41
ItBit	3,391,331	7.31
Total U.S. dollar-bitcoin trade volume included in the Index as of April 28, 2017	30,441,213	65.64
Bitcoin Exchanges not included in the Index as of April 28, 2017:		
OKCoin	6,622,567	14.28
BTC–E	4,998,223	10.78
LakeBTC	3,256,715	7.02
Gemini	1,058,269	2.28
Total U.S. dollar-bitcoin trade volume not included in the Index as of April 28, 2017	15,935,775	34.36
Total U.S. Dollar-bitcoin trade volume	46,376,988	100.00

Information regarding each Bitcoin Exchange may be found, where available, on the Web sites for such Bitcoin Exchanges, among other places.

Off-Exchange Bitcoin Trading

According to the Registration Statement, in addition to open online Bitcoin Exchanges, there are ''dark pools,'' which are bitcoin trading platforms that do not publicly report bitcoin trade data. Market participants have the ability to execute large block trades on a dark pool without revealing those trades and the related price data to the public bitcoin exchange market, although any withdrawal from or deposit to a dark pool platform may be recorded on the Blockchain.[19]

Bitcoin may also be traded over-the-counter (''OTC''). OTC trades are not required to be reported through any facilities. However, according to the Sponsor, based on publicly available information, OTC trading may not represent a material volume of overall bitcoin trading. The OTC markets operate in a similar manner to dark pools. However, typically, OTC trades are institutional size block transactions (though on a much lower scale relative to the size of block transactions for other commodities or industries) or transactions made on behalf of high-net worth individuals.

According to the Sponsor, some OTC intermediaries that facilitate OTC trading, such as Genesis and itBit, provide summary statistics on an ad hoc basis. For instance, in April 2016, itBit reported that it had traded approximately 25,500 bitcoins, valued at approximately $10.3 million U.S. dollars, which would account for roughly 1.94% of the bitcoin trading volume across the eight highest volume U.S. dollar-denominated exchanges. For the fourth quarter of 2016, Genesis reported trading approximately 70,326 bitcoins, valued at approximately $51.4 million U.S. dollars. According to the Sponsor, the reported Genesis volume would comprise roughly 2.33% of the trading volume across the eight highest volume U.S. dollar-denominated exchanges during that time period.

Bitcoin Price Volatility [20]

According to the Sponsor, volatility in bitcoin was pronounced in its earliest days through late 2013. According to the Sponsor, during that time period, almost all bitcoin trading activity centered on two exchanges, which centralized the global order book and led to large price movements. Since then, the bitcoin trading environment has matured with the development of dozens of exchanges around the world, resulting in more transparency with respect to bitcoin pricing, in increased trading volume and in greater liquidity. Additionally, the globalization of bitcoin exchanges, ranging from those domiciled in the United States to other areas of the globe, such as China, has led to development of many bitcoin currency pairs, garnering more market participants. Today, the largest trading pairs are bitcoin to Chinese yuan, bitcoin to U.S. dollars and bitcoin to euro.

Bitcoin price volatility has declined since the inception of bitcoin. According to the Sponsor and as detailed in Exhibit 3, recent figures, such as the three-, six- and twelve-month volatility charts, show that the volatility of bitcoin is stabilizing and is now approaching levels comparable to

[16] According to the Registration Statement, although the Bitcoin Exchange, LocalBitcoins, accounts for approximately 3% of the U.S. dollar-bitcoin trade volume, the Sponsor does not consider it an appropriate Bitcoin Exchange to include in this analysis because LocalBitcoins does not have an online electronic trading platform that allows for the prices and volumes of bitcoin traded to be reliably tracked.

[17] According to the Registration Statement, these figures reflect the aggregate number of bitcoins traded on each named U.S. dollar-denominated Bitcoin Exchange from May 10, 2015 to April 28, 2017.

[18] According to the Registration Statement, as of May 10, 2015, Kraken EUR (U.S. dollar equivalent) was a component of the Index but was removed from the Index on May 11, 2015. The transactions on Kraken EUR were not a material component to the Index.

[19] According to the Registration Statement, Genesis operates an OTC trading desk that buys and sells large blocks of bitcoins without publicly reporting trade data. Informal dark pools are currently believed to exist, particularly among wholesale buyers of bitcoin and bitcoin mining groups that obtain large supplies of bitcoin through mining. Such informal dark pools function as a result of the peer-to-peer nature of the Bitcoin Network, which allows direct transactions between any seller and buyer.

[20] Attached as Exhibit 3 hereto are tables relating to: (i) Rolling 3-month volatility of bitcoin and other commodities; (ii) average 3-month correlation of bitcoin to other commodities; (iii) rolling 6-month volatility of bitcoin and other commodities; (iv) average 6-month correlation of bitcoin to other commodities; (v) rolling 12-month volatility of bitcoin and other commodities; and (vi) average 12-month correlation of bitcoin to other commodities.

those seen for other commodities such as natural gas.

According to the Sponsor, while bitcoin price volatility has declined and its volatility approaching levels that correspond to that of certain commodities, the volatility of bitcoin is not correlated with the volatility of other commodities over shorter- (*i.e.,* three to six months) and longer-term (*i.e.,* longer than one year) investment horizons, reinforcing the important role bitcoin can play as a diversifying asset in an investor's portfolio.

Demand for Bitcoin

According to the Sponsor, demand for bitcoins is based on several factors. Demand may be based on speculation regarding the future appreciation of the value of bitcoins. Continuing development of various applications utilizing the Bitcoin Network for uses such as remittance, payment for goods and services, recording transfer of ownership of certain assets and settlement of both financial and non-financial assets have led many investors to speculate that the price of bitcoins will appreciate as use of these applications increases. As additional applications are developed, demand may increase. Additionally, some investors have developed analogs between bitcoin and other scarce assets such as gold. Bitcoin shares many of the same characteristics as gold, *e.g.,* scarcity, but has superior utility, portability and divisibility. If investors shift a portion of their asset allocations from gold to bitcoin, the demand for bitcoins could increase. Furthermore, bitcoins are used in day-to-day transactions for the purchase of goods and services. As additional merchants continue to accept bitcoins for the purchase of goods and services, demand for bitcoins may increase. Relatedly, as merchants accept bitcoins for sales of goods and services, supply of bitcoins could increase on the exchange markets as these merchants look to liquidate their bitcoin for fiat currencies.

Bitcoin Index Price

The ''Bitcoin Index Price'' is the U.S. dollar value of a bitcoin as represented by the Index, calculated at 4:00 p.m., E.T., on each business day. If the Index becomes unavailable, or if the Sponsor determines in good faith that the Index does not reflect an accurate bitcoin value, then the Sponsor will, on a best efforts basis, contact the Index Provider in order to obtain the Bitcoin Index Price. If after such contact the Index remains unavailable or the Sponsor continues to believe in good faith that the Index does not reflect an accurate bitcoin value, then the Administrator will utilize the following cascading set of rules to calculate the Bitcoin Index Price. For the avoidance of doubt, the Sponsor will employ the below rules sequentially and in the order presented below, should one or more specific rule(s) fail:

(i) Bitcoin Index Price = The price set by the Index as of 4:00 p.m., E.T., on the valuation date. According to the Registration Statement, the Index is a U.S. dollar-denominated composite reference rate for the price of bitcoin based on the volume-weighted price at trading venues selected by the Index Provider. Trading venues used to calculate the Index may include Bitcoin Exchanges, OTC markets or derivative platforms. According to the Registration Statement, to ensure that the Index Provider's trading venue selection process is impartial, the Index Provider considers depth of liquidity, compliance with applicable legal and regulatory requirements, data availability, U.S. domicile and acceptance of U.S. dollar deposits. The Index Provider conducts a quarterly review of these criteria. According to the Registration Statement, as of the date of the Registration Statement, the eligible Bitcoin Exchanges selected by the Index Provider include Bitstamp, GDAX (formerly known as Coinbase Exchange), Kraken and itBit.[21] Bitstamp is a European Union-based bitcoin marketplace that enables people from all around the world to safely buy and sell bitcoins. GDAX, based in San Francisco, California, is a digital currency exchange. Kraken, also based in San Francisco, California, is the largest bitcoin exchange in euro volume and liquidity. ItBit is a New York City-based, regulated global exchange that offers retail and institutional investors a powerful platform to buy and sell bitcoin.

According to the Registration Statement, in the calculation of the Bitcoin Index Price, the Index Provider cleanses the trade data and compiles it in such a manner as to algorithmically reduce the impact of anomalistic or manipulative trading. This is accomplished by adjusting the weight of each input based on price deviation relative to the observable set of data for the relevant trading venue, as well as recent and long-term trading volume at each venue relative to the observable set for the relevant trading venues. The Index Provider reduces the weighting of data inputs as they get further from the mean price across the trading venues and ultimately excludes any trade with a price that deviates beyond a certain predetermined threshold level from the mean. In addition, the Index groups ''trade bursts'' (*i.e.,* a group of small-size trades in a short period of time, typically under one second) and movements during off-peak trading hours on any given venue into single data inputs, which reduces the potentially erratic price movements caused by small, individual orders. The Index Provider formally reevaluates the weighting algorithm quarterly, but maintains discretion to change the way in which the Index is calculated based on its periodic review or in extreme circumstances. The precise formula underlying the Index is proprietary. According to the Registration Statement, the Index Provider does not currently include data from OTC markets or derivative platforms. OTC data is not currently included because of the potential for trades to include a significant premium or discount paid for larger liquidity, which creates an uneven comparison relative to more active markets. There is also a higher potential for OTC transactions to not be arms-length and thus not be representative of a true market price. Bitcoin derivative markets are also not currently included as the markets remain relatively thin. According to the Registration Statement, the Index Provider will consider International Organization of Securities Commissions (''IOSCO'') principles for financial benchmarks and the management of trading venues of bitcoin derivatives when considering inclusion of OTC or derivative platform data in the future.

According to the Registration Statement, to calculate the Bitcoin Index Price, the weighting algorithm is applied to the price and volume of all inputs for the immediately preceding 24-hour period as of 4:00 p.m., E.T., on the valuation date. According to the Registration Statement, to measure volume data and trading halts, the Index Provider monitors trading activity and regards as eligible those Bitcoin Exchanges that it determines represent a substantial portion of U.S. dollar-denominated trading over a sustained period on a platform without a significant history of trading disruptions. The Index Provider maintains a monitoring system that tests for these criteria on an ongoing basis.

The description of the Index is based on information publicly available at the Index Provider's Web site at *https://tradeblock.com/markets/index/.* The

[21] According to the Registration Statement, Digital Currency Group owns a minority interest in Coinbase, which operates the GDAX, representing approximately 0.5% of its equity and a minority interest in Paxos, which operates itBit, representing less than 0.3% of its equity.

Index spot price will be available on the Index Provider's Web site and/or from one or more major market data vendors.

If the Index becomes unavailable, or if the Sponsor determines in good faith that the Index does not reflect an accurate bitcoin value, then the Sponsor will, on a best efforts basis, contact the Index Provider to obtain the Bitcoin Index Price directly from the Index Provider. If after such contact, the Index remains unavailable or the Sponsor continues to believe in good faith that the Index does not reflect an accurate bitcoin value, then the Sponsor will employ the next rule to determine the Bitcoin Index Price.

(ii) Bitcoin Index Price = The volume-weighted average bitcoin price for the immediately preceding 24-hour period as of 4:00 p.m., E.T., on the valuation date as calculated based upon the volume-weighted average bitcoin prices of the Major Bitcoin Exchanges as published by an alternative third party's public data feed that the Sponsor believes is accurately and reliably providing market data (*i.e.,* is receiving up-to-date and timely market data from constituent exchanges) (''Second Source''). ''Major Bitcoin Exchanges'' are those Bitcoin Exchanges that are online, trade on a 24-hour basis and make transaction price and volume data publicly available. Subject to the next sentence, if the Second Source becomes unavailable (for example, data sources from the Second Source for bitcoin prices become unavailable, unwieldy or otherwise impractical for use), or if the Sponsor determines in good faith that the Second Source does not reflect an accurate bitcoin value, then the Sponsor will, on a best efforts basis, contact the Second Source in an attempt to obtain the relevant data. If after such contact the Second Source remains unavailable or the Sponsor continues to believe in good faith that the Second Source does not reflect an accurate bitcoin price, then the Sponsor will employ the next rule to determine the Bitcoin Index Price.

(iii) Bitcoin Index Price = The volume-weighted average bitcoin price as calculated by dividing (a) the U.S. dollar value of the bitcoin transactions on the Major Bitcoin Exchanges by (b) the total number of bitcoins traded on the Major Bitcoin Exchanges, in each case for the 24-hour period from 4:00 p.m., E.T. (or as soon as practicable thereafter), on the business day prior to the valuation date to 4:00 p.m., E.T. (or as soon as practicable thereafter), on the valuation date as published by a third party's public data feed that the Sponsor believes is accurately and reliably providing market data (*i.e.,* is receiving up-to-date and timely market data from eligible exchanges), subject to the requirement that such data is calculated based upon a volume-weighted average bitcoin price obtained from the Major Bitcoin Exchanges (''Third Source''). Subject to the next sentence, if the Third Source becomes unavailable (for example, data sources from the Third Source become unavailable, unwieldy or otherwise impractical for use), or if the Sponsor determines in good faith that the Third Source does not reflect an accurate bitcoin price, then the Sponsor will, on a best efforts basis, contact the Third Source in an attempt to obtain the relevant data. If after such contact the Third Source remains unavailable or the Sponsor continues to believe in good faith that the Third Source does not reflect an accurate bitcoin value then the Sponsor will employ the next rule to determine the Bitcoin Index Price.

(iv) Bitcoin Index Price = The volume-weighted average bitcoin price as calculated by dividing (a) the U.S. dollar value of the bitcoin transactions on the Bitcoin Benchmark Exchanges by (b) the total number of bitcoins traded on the Bitcoin Benchmark Exchanges, in each case for the 24-hour period from 4:00 p.m., E.T. (or as soon as practicable thereafter), on the business day prior to the valuation date to 4:00 p.m., E.T. (or as soon as practicable thereafter), on the valuation date. A ''Bitcoin Benchmark Exchange'' is a Bitcoin Exchange that represents at least 25% of the aggregate U.S. dollar-denominated trading volume of the bitcoin market during the last 30 consecutive calendar days and that to the knowledge of the Sponsor is in substantial compliance with the laws, rules and regulations, including any anti-money laundering (''AML'') and know-your-customer (''KYC'') procedures, of such Bitcoin Exchange's applicable jurisdiction; provided that if there are fewer than three such Bitcoin Exchanges, then the Bitcoin Benchmark Exchanges will include such Bitcoin Exchange or Bitcoin Exchanges that meet the above-described requirements as well as one or more additional Bitcoin Exchanges, selected by the Sponsor, that have had monthly trading volume of at least 50,000 bitcoins during the last 30 consecutive calendar days and that to the knowledge of the Sponsor is in substantial compliance with the laws, rules and regulations, including any AML and KYC procedures, of such Bitcoin Exchange's applicable jurisdiction.

The Sponsor will review the composition of the exchanges that comprise the Bitcoin Benchmark Exchanges at the beginning of each month, or more frequently if necessary, in order to ensure the accuracy of its composition. Subject to the next sentence, if one or more of the Bitcoin Benchmark Exchanges become unavailable (for example, data sources from the Bitcoin Benchmark Exchanges of bitcoin prices become unavailable, unwieldy or otherwise impractical for use), or if the Sponsor determines in good faith that the Bitcoin Benchmark Exchange does not reflect an accurate bitcoin value, then the Sponsor will, on a best efforts basis, contact the Bitcoin Benchmark Exchange that is experiencing the service outages in an attempt to obtain the relevant data. If after such contact one or more of the Bitcoin Benchmark Exchanges remain unavailable or the Sponsor continues to believe in good faith that the Bitcoin Benchmark Exchange does not reflect an accurate bitcoin price, then the Sponsor will employ the next rule to determine the Bitcoin Index Price.

(v) Bitcoin Index Price = The Sponsor will use its best judgment to determine a good faith estimate of the Bitcoin Index Price.

Data used for the above calculation of the Bitcoin Index Price is gathered by the Administrator or its delegate who calculates the Bitcoin Index Price each business day as of 4:00 p.m., E.T., or as soon thereafter as practicable. The Administrator will disseminate the Bitcoin Index Price each business day.

The Index Provider may change the trading venues that are used to calculate the Index, or otherwise change the way in which the Index is calculated at any time. The Index Provider does not have any obligation to consider the interests of the Sponsor, the Administrator, the Trust, the shareholders or anyone else in connection with such changes. The Index Provider is not required to publicize or explain the changes, or to alert the Sponsor or the Administrator to such changes. The Index Provider will consider IOSCO principles for financial benchmarks and the management of trading venues of bitcoin derivatives when considering inclusion of OTC or derivative platform data in the future.

Bitcoin Holdings

According to the Registration Statement, the Trust's assets will consist solely of bitcoin. The Administrator will determine the value of the Trust for operational purposes (herein referred to as ''Bitcoin Holdings''), which is the aggregate U.S. dollar value, based on the Bitcoin Index Price, of the Trust's bitcoins less its liabilities, on each day the Shares trade on the Exchange as of 4:00 p.m., E.T., or as soon thereafter as

practicable.[22] The Administrator will also determine the Bitcoin Holdings per Share, which equals the Trust's Bitcoin Holdings divided by the number of outstanding Shares. The Sponsor will publish the Bitcoin Holdings and the Bitcoin Holdings per Share each business day at 4:00 p.m., E.T., or as soon thereafter as practicable at the Trust's Web site at *https://grayscale.co/bitcoin-investment-trust/#market-performance*.

To calculate the Bitcoin Holdings, the Administrator will determine the Bitcoin Index Price and multiply the Bitcoin Index Price by the aggregate number of bitcoins owned by the Trust as of 4:00 p.m., E.T., on the immediately preceding day. The Administrator will add the U.S. dollar value of any bitcoins, as calculated using the Bitcoin Index Price, receivable under pending creation orders, if any, determined by multiplying the number of creation Baskets represented by such creation orders by the Basket Bitcoin Amount and then multiplying such product by the Bitcoin Index Price. The Administrator will subtract (i) the U.S. dollar value of the bitcoins, as calculated using the Bitcoin Price Index, constituting any accrued but unpaid fees, (ii) the U.S. dollar value of the bitcoins to be distributed under pending redemption orders, determined by multiplying the number of redemption Baskets represented by such redemption orders by the Basket Bitcoin Amount and then multiplying such product by the Bitcoin Index Price and (iii) certain expenses of the Trust.

The Sponsor will publish the Bitcoin Index Price, the Bitcoin Holdings and the Bitcoin Holdings per Share on the Trust's Web site as soon as practicable after its determination. If the Bitcoin Holdings and Bitcoin Holdings per Share have been calculated using a price per bitcoin other than the Bitcoin Index Price, the publication on the Trust's Web site will note the valuation methodology used and the price per bitcoin resulting from such calculation.

While the Trust's investment objective is for the Shares to reflect the performance of the value of a bitcoin as represented by the Index, less the Trust's liabilities and expenses, the Shares may trade in the secondary market at prices that are lower or higher than the Bitcoin Holdings per Share. The amount of the discount or premium in the trading price relative to the Bitcoin Holdings per Share may be influenced by non-concurrent trading hours and liquidity between the secondary market and larger Bitcoin Exchanges in the bitcoin exchange market. While the Shares will be listed and trade on the Exchange from 9:30 a.m. until 4:00 p.m., E.T., liquidity in the global bitcoin markets may fluctuate depending upon the volume and availability of larger Bitcoin Exchanges. As a result, during periods in which bitcoin exchange market liquidity is limited or a major Bitcoin Exchange is off-line, trading spreads, and the resulting premium or discount, on the Shares may widen.

Impact on Arbitrage

Because of the potential for arbitrage inherent in the structure of the Trust, the Sponsor believes that the Shares will not trade at a material discount or premium to the underlying bitcoin held by the Trust. The arbitrage process, which in general provides investors the opportunity to profit from differences in prices of assets, increases the efficiency of the markets, serves to prevent potentially manipulative efforts, and can be expected to operate efficiently in the case of the Shares and bitcoin. If the price of the Shares deviates enough from the price of bitcoin to create a material discount or premium, an arbitrage opportunity is created. If the Shares are inexpensive compared to the bitcoin that underlies them, an arbitrageur may buy the Shares at a discount, immediately redeem them in exchange for bitcoin, and sell the bitcoin in the cash market at a profit. If the Shares are expensive compared to the bitcoin that underlies them, an arbitrageur may sell the Shares short, buy enough bitcoin to acquire the number of Shares sold short, acquire the Shares through the creation process, and deliver the Shares to close out the short position.[23] In both instances, the arbitrageur serves to efficiently correct price discrepancies between the Shares and the underlying bitcoin.

Creation and Redemption of Shares

According to the Registration Statement, the Trust will issue and redeem ''Baskets,'' each equal to a block of 100 Shares, only to Authorized Participants. The size of a Basket is subject to change. The creation and redemption of a Basket require the delivery to the Trust, or the distribution by the Trust, of the number of whole and fractional bitcoins represented by each Basket being created or redeemed, the number of which is determined by dividing the number of bitcoins owned by the Trust at 4:00 p.m., E.T., on the trade date of a creation or redemption order, as adjusted for the number of whole and fractional bitcoins constituting accrued but unpaid fees and expenses of the Trust, by the number of Shares outstanding at such time (the quotient so obtained calculated to one one-hundred-millionth of one bitcoin), and multiplying such quotient by 100 (''Basket Bitcoin Amount''). The Basket Bitcoin Amount multiplied by the number of Baskets being created or redeemed is the ''Total Basket Bitcoin Amount.'' The Basket Bitcoin Amount will gradually decrease over time as the Trust's bitcoins are used to pay the Trust's expenses. According to the Registration Statement, as of the date of the Registration Statement, each Share currently represents approximately 0.093 of a bitcoin.

Authorized Participants are the only persons that may place orders to create and redeem Baskets. Each Authorized Participant must (i) be a registered broker-dealer, (ii) enter into a participant agreement with the Sponsor, the Administrator, the Marketing Agent and the Liquidity Providers (''Participant Agreement'') and (iii) in the case of the creation or redemption of Baskets that do not use the ''Conversion Procedures'' (as defined below), own a bitcoin wallet address that is recognized by the Custodian as belonging to the Authorized Participant (''Authorized Participant Self-Administered Account''). Authorized Participants may act for their own accounts or as agents for broker-dealers, custodians and other securities market participants that wish to create or redeem Baskets. Shareholders who are not Authorized Participants will only be able to redeem their Shares through an Authorized Participant.

Although the Trust will create Baskets only upon the receipt of bitcoins, and will redeem Baskets only by distributing bitcoins, an Authorized Participant may deposit cash with the Administrator, which will facilitate the purchase or sale of bitcoins through a Liquidity Provider on behalf of an Authorized Participant (''Conversion Procedures''). ''Liquidity Providers'' must (i) enter into a Participant Agreement with the Sponsor, the Trust, the Marketing Agent and each Authorized Participant and (ii) own a bitcoin wallet address that is recognized by the Custodian as

[22] Bitcoin Holdings is different than the GAAP net asset value referenced in the Registration Statement.

[23] The Exchange states that the Trust, which will only hold bitcoin, differs from index-based exchange-traded funds, which may involve a trust holding hundreds or even thousands of underlying component securities, necessarily involving in the arbitrage process movements in a large number of security positions. See, *e.g.,* Securities Exchange Act Release No. 46306 (August 2, 2002) (approving the UTP trading of Vanguard Total Market VIPERs based on the Wilshire 5000 Total Market Index).

belonging to a Liquidity Provider (''Liquidity Provider Account'').

The Conversion Procedures will be facilitated by a single Liquidity Provider. On an order-by-order basis, the Sponsor will select the Liquidity Provider that it believes will provide the best execution of the Conversion Procedures, and will base its decision on factors such as the Liquidity Provider's creditworthiness, financial stability, the timing and speed of execution, liquidity and the likelihood of, and capabilities in, execution, clearance and settlement. In the event that an order cannot be filled in its entirety by a single Liquidity Provider, additional Liquidity Provider(s) will be selected by the Sponsor to fill the remaining amount based on the criteria above.

The trade date on which the Basket Bitcoin Amount is determined is different for in-kind and in-cash orders. For in-kind orders, the trade date is the day on which an order is placed, whereas the trade date for in-cash orders is the day after which an order is placed. This could result in different execution prices for in-kind and in-cash orders. In addition, Authorized Participants that create shares in-cash must pay a 1% fee that is not applicable to in-kind orders, which will also result in different execution prices for in-kind and in-cash orders.

For example, if an Authorized Participant submits an in-kind order at 2:00 p.m., E.T., on a Monday, the Basket Bitcoin Amount required to purchase a Basket of Shares will be determined at 4:00 p.m., E.T., or as soon as practicable thereafter, on that same day. Alternatively, for in-cash orders, if an Authorized Participant submits an order at 2:00 p.m., E.T., on a Monday and pays the requisite Cash Collateral Amount (as defined below) at 3:00 p.m., E.T., on that same date, the Total Basket Bitcoin Amount will nevertheless be determined at 4:00 p.m., E.T., or as soon as practicable thereafter, on Tuesday. Pursuant to the Conversion Procedures, the Authorized Participant is obligated to pay the Cash Exchange Rate (as defined below) which is calculated on Monday, times the Total Basket Bitcoin Amount, which is calculated on Tuesday. The Liquidity Provider is required to deposit the Total Basket Bitcoin Amount as calculated on Tuesday, even if there were a chance [sic] in the price of bitcoin since Monday.

In-Kind Creations

To create Baskets in-kind, Authorized Participants will send the Administrator a creation order on the trade date. In-kind creation orders must be placed no later than 3:59:59 p.m., E.T., on each business day. The Marketing Agent will accept or reject the creation order, and this determination will be communicated to the Authorized Participant by the Administrator on that same date. The Total Basket Bitcoin Amount will be determined as soon as practicable after 4:00 p.m., E.T., on that date. On the business day following the trade date, the Authorized Participant will transfer the Total Basket Bitcoin Amount to the Custodian. Once the Total Basket Bitcoin Amount is received by the Custodian, the Administrator will instruct the Transfer Agent to deliver the creation Baskets to the Authorized Participant.

In-Cash Creations

To create Baskets using the Conversion Procedures, Authorized Participants will send the Administrator a creation order on the business day preceding the trade date. In-cash creation orders must be placed no later than 4:59:59 p.m., E.T., on each business day. The Marketing Agent will accept or reject the creation order, and this determination will be communicated to the Authorized Participants by the Administrator on that same date. Upon receiving instruction from the Administrator that a creation order has been accepted by the Marketing Agent, the Authorized Participant will send 110% of the U.S. dollar value of the Total Basket Bitcoin Amount, as calculated using the most recently published Bitcoin Index Price (''Cash Collateral Amount''). Once the Cash Collateral Amount is received by the Administrator, the Sponsor will notify the Liquidity Provider of the creation order. The Liquidity Provider will then (i) determine the ''Cash Exchange Rate,'' which, in the case of a creation order, is the Index spot price at the time at which the Cash Collateral Amount is received by the Administrator, plus applicable fees, and (ii) provide a firm quote to the Authorized Participant for the Total Basket Bitcoin Amount, determined by using the Cash Exchange Rate. If the Liquidity Provider's quote is greater than the Cash Collateral Amount received, the Authorized Participant will be required to pay the difference on the same day. Under the Conversion Procedures, the Authorized Participant does not pay more than the firm quote provided by the Liquidity Provider. The Liquidity Provider bears the risk of any change in the Total Basket Bitcoin Amount and of any change in the price of bitcoin once the Cash Exchange Rate has been determined. Provided that payment for the Total Basket Bitcoin Amount is received by the Administrator, the Liquidity Provider will deliver the bitcoins to the Custodian on the settlement date on behalf of the Authorized Participant. The Liquidity Provider may realize any arbitrage opportunity between the firm quote that it provides to the Authorized Participant and the price at which it sources the requisite bitcoin for the Total Basket Bitcoin Amount. After the Custodian receives the Total Basket Bitcoin Amount, the Administrator will instruct the Transfer Agent to deliver the Creation Baskets to the Authorized Participant. The Administrator will then send the Liquidity Provider the cash equal to the Cash Exchange Rate times the Total Basket Bitcoin Amount, plus applicable fees. The Administrator will return any remaining amount of the Cash Collateral Amount to the Authorized Participant.

In-Kind Redemptions

To redeem Baskets in-kind, Authorized Participants will send the Administrator a redemption order on the trade date. In-kind redemption orders must be placed no later than 3:59:59 p.m., E.T., on each business day. The Marketing Agent will accept or reject the redemption order and the Total Basket Bitcoin Amount will be determined as soon as practicable after 4:00 p.m., E.T., on that same date. On the second business day following the trade date, the Authorized Participant will deliver to the Transfer Agent redemption Baskets from its account. Once the redemption Baskets are received by the Transfer Agent, the Custodian will transfer the Total Basket Bitcoin Amount to the Authorized Participant and the Transfer Agent will cancel the Shares.

In-Cash Redemptions

To redeem Baskets using the Conversion Procedures, Authorized Participants will send the Administrator a redemption order. In-cash redemption orders must be placed no later than 4:59:59 p.m., E.T., on each business day. The Marketing Agent will accept or reject the redemption order on that same date. A Liquidity Provider will then (i) determine the Cash Exchange Rate, which, in the case of a redemption order, is the Index spot price, minus applicable fees, at the time at which the Administrator notifies the Authorized Participant that an order has been accepted and (ii) provide a firm quote to an Authorized Participant for the Total Basket Bitcoin Amount, determined by using the Cash Exchange Rate. Under the Conversion Procedures, the

Authorized Participant does not receive less than the firm quote provided by the Liquidity Provider. The Liquidity Provider bears the risk of any change in the Total Basket Bitcoin Amount and of any change in the price of bitcoin once the Cash Exchange Rate has been determined.

The Liquidity Provider will send the Administrator the cash proceeds equal to the Cash Exchange Rate times the Total Basket Bitcoin Amount, minus applicable fees. The Liquidity Provider may realize any arbitrage opportunity between the firm quote that it provides to the Authorized Participant and the price at which it sells the requisite bitcoin for the Total Basket Bitcoin Amount. Once the Authorized Participant delivers the redemption Baskets to the Transfer Agent, the Administrator will send the cash proceeds to the Authorized Participant and the Transfer Agent will cancel the Shares. At the instruction of the Administrator, the Custodian will then send the Liquidity Provider the Total Basket Bitcoin Amount.

The Sponsor represents that Liquidity Providers will only transact with exchanges and OTC trading partners that have met AML and KYC regulatory requirements. Authorized Participants that create and redeem Baskets using the Conversion Procedures will be responsible for reimbursing the relevant Liquidity Provider for any expenses incurred in connection with the Conversion Procedures. The Authorized Participants will also pay a variable fee to the Administrator for its facilitation of the Conversion Procedures. There are no other fees related to the Conversion Procedures that will be charged by the Sponsor or the Custodian.

Suspension or Rejection of Orders

The creation or redemption of Shares may be suspended generally, or refused with respect to particular requested creations or redemptions, during any period when the transfer books of the Transfer Agent are closed or if circumstances outside the control of the Sponsor or its delegates make it for all practical purposes not feasible to process creation orders or redemption orders. The Administrator may reject an order if such order is not presented in proper form as described in the Participant Agreement or if the fulfillment of the order, in the opinion of counsel, might be unlawful.

Availability of Information

The Trust's Web site (*https://grayscale.co/bitcoin-investment-trust/*) will include quantitative information on a per-Share basis updated on a daily basis, including, for the Trust (i) the current Bitcoin Holdings per Share daily and the prior business day's Bitcoin Holdings and the reported closing price, (ii) the mid-point of the bid-ask price [24] in relation to the Bitcoin Holdings as of the time the Bitcoin Holdings is calculated (''Bid-Ask Price'') and a calculation of the premium or discount of such price against such Bitcoin Holdings and (iii) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid-Ask Price against the Bitcoin Holdings, within appropriate ranges, for each of the four previous calendar quarters (or for the life of the Trust, if shorter). In addition, on each business day the Trust's Web site will provide pricing information for the Shares.

The Trust's Web site will provide an intra-day indicative value (''IIV'') per Share updated every 15 seconds, as calculated by the Exchange or a third party financial data provider during the Exchange's Core Trading Session (9:30 a.m. to 4:00 p.m., E.T.) [25] The IIV will be calculated by using the prior day's closing Bitcoin Holdings per Share as a base and updating that value during the NYSE Arca Core Trading Session to reflect changes in the value of the Trust's bitcoin holdings during the trading day.

The IIV disseminated during the NYSE Arca Core Trading Session should not be viewed as an actual real time update of the Bitcoin Holdings, which will be calculated only once at the end of each trading day. The IIV will be widely disseminated on a per Share basis every 15 seconds during the NYSE Arca Core Trading Session by one or more major market data vendors. In addition, the IIV will be available through on-line information services.

The Bitcoin Holdings for the Trust will be calculated by the Administrator once a day and will be disseminated daily to all market participants at the same time. To the extent that the Administrator has utilized the cascading set of rules described in ''Bitcoin Index Price'' above, the Trust's Web site will note the valuation methodology used and the price per bitcoin resulting from such calculation. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the Consolidated Tape Association (''CTA'').

Quotation and last sale information for bitcoin will be widely disseminated through a variety of major market data vendors, including Bloomberg and Reuters. In addition, the complete real-time price (and volume) data for bitcoin is available by subscription from Reuters and Bloomberg. The spot price of bitcoin is available on a 24-hour basis from major market data vendors, including Bloomberg and Reuters. Information relating to trading, including price and volume information, in bitcoin will be available from major market data vendors and from the exchanges on which bitcoin are traded. The normal trading hours for bitcoin exchanges are 24-hours per day, 365-days per year.

The Trust will provide Web site disclosure of its Bitcoin Holdings daily. The Web site disclosure of the Trust's Bitcoin Holdings will occur at the same time as the disclosure by the Sponsor of the Bitcoin Holdings to Authorized Participants so that all market participants are provided such portfolio information at the same time. Therefore, the same portfolio information will be provided on the public Web site as well as in electronic files provided to Authorized Participants. Accordingly, each investor will have access to the current Bitcoin Holdings of the Trust through the Trust's Web site.

Additional information regarding the Index may be found at *https://tradeblock.com/markets/index/*.

Trading Rules

The Trust will be subject to the criteria in NYSE Arca Equities Rule 8.201, including 8.201(e), for initial and continued listing of the Shares. A minimum of 100,000 Shares will be required to be outstanding at the start of trading. With respect to application of Rule 10A–3 under the Act, the Trust will rely on the exception contained in Rule 10A–3(c)(7). The Exchange believes that the anticipated minimum number of Shares outstanding at the start of trading is sufficient to provide adequate market liquidity.

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Trading in the Shares on the Exchange will occur in accordance with NYSE Arca Equities Rule 7.34(a).[26] The Exchange has

[24] The bid-ask price of the Trust is determined using the highest bid and lowest offer on the Consolidated Tape as of the time of calculation of the closing day Bitcoin Holdings.

[25] The IIV on a per Share basis disseminated during the Core Trading Session should not be viewed as a real-time update of the Bitcoin Holdings, which is calculated once a day.

[26] The Exchange has three trading sessions for Commodity-Based Trust Shares each day the Corporation is open for business unless otherwise determined by the Corporation: (i) The Opening Session begins at 1:00 a.m., Pacific Time (''P.T.''), and conclude at the commencement of the Core Trading Session; (ii) the Core Trading Session

appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

Further, NYSE Arca Equities Rule 8.201 sets forth certain restrictions on Equity Trading Permit Holders (''ETP Holders'') acting as registered Market Makers in the Shares to facilitate surveillance. Pursuant to NYSE Arca Equities Rule 8.201(g), an ETP Holder acting as a registered Market Maker in the Shares is required to provide the Exchange with information relating to its trading in the underlying bitcoin, related futures or options on futures, or any other related derivatives. Commentary .04 of NYSE Arca Equities Rule 6.3 requires an ETP Holder acting as a registered Market Maker, and its affiliates, in the Shares to establish, maintain and enforce written policies and procedures reasonably designed to prevent the misuse of any material nonpublic information with respect to such products, any components of the related products, any physical asset or commodity underlying the product, applicable currencies, underlying indexes, related futures or options on futures and any related derivative instruments (including the Shares).

As a general matter, the Exchange has regulatory jurisdiction over its ETP Holders and their associated persons, which include any person or entity controlling an ETP Holder. A subsidiary or affiliate of an ETP Holder that does business only in commodities or futures contracts would not be subject to Exchange jurisdiction, but the Exchange could obtain information regarding the activities of such subsidiary or affiliate through surveillance sharing agreements with regulatory organizations of which such subsidiary or affiliate is a member.

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares. Trading on the Exchange in the Shares may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which conditions in the underlying bitcoin markets have caused disruptions and/or lack of trading or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. In addition, trading in Shares will be subject to trading halts caused by extraordinary market volatility pursuant to the Exchange's ''circuit breaker'' rule.[27]

The Exchange will halt trading in the Shares if the Bitcoin Holdings of the Trust is not calculated or disseminated daily. The Exchange may halt trading during the day in which an interruption occurs to the dissemination of the IIV or the Index spot price, as discussed above. If the interruption to the dissemination of the IIV or the Index spot price persists past the trading day in which it occurs, the Exchange will halt trading no later than the beginning of the trading day following the interruption.[28] In addition, if the Exchange becomes aware that the Bitcoin Holdings with respect to the Shares is not disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the Bitcoin Holdings is available to all market participants.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[29] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''), and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement (''CSSA'').[30]

Also, pursuant to NYSE Arca Equities Rule 8.201(g), the Exchange is able to obtain information regarding trading in the Shares and the underlying bitcoin or any bitcoin derivative through ETP Holders acting as registered Market Makers, in connection with such ETP Holders' proprietary or customer trades through ETP Holders which they effect on any relevant market.

The Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

All statements and representations made in this filing regarding (i) the description of the portfolio, (ii) limitations on portfolio holdings or reference assets or (iii) the applicability of Exchange rules and surveillance procedures shall constitute continued listing requirements for listing the Shares on the Exchange.

The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Trust to comply with the continued listing requirements, and, pursuant to its obligations under section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If the Trust is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Equities Rule 5.5(m).

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its ETP Holders in an ''Information Bulletin'' of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (1)

begins for each security at 6:30 a.m., P.T., or at the conclusion of the Market Order Auction, whichever comes later, and conclude at 1:15 p.m., P.T.; and (iii) the Late Trading Session begins following the conclusion of the Core Trading Session and concludes at 5:00 p.m., P.T.

[27] *See* NYSE Arca Equities Rule 7.12.

[28] The Exchange notes that the Exchange may halt trading during the day in which an interruption to the dissemination of the IIV or the Index spot price occurs.

[29] FINRA conducts cross market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[30] For the list of current members of ISG, *see https://www.isgportal.org/home.html.*

The procedures for purchases and redemptions of Shares in Baskets (including noting that the Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) how information regarding how the Index and the IIV are disseminated; (4) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; (5) the possibility that trading spreads and the resulting premium or discount on the Shares may widen during the Opening and Late Trading Sessions, when an updated IIV will not be calculated or publicly disseminated; and (6) trading information. For example, the Information Bulletin will advise ETP Holders, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Trust. The Exchange notes that investors purchasing Shares directly from the Trust will receive a prospectus. ETP Holders purchasing Shares from the Trust for resale to investors will deliver a prospectus to such investors.

In addition, the Information Bulletin will reference that the Trust is subject to various fees and expenses as described in the Registration Statement. The Information Bulletin will disclose that information about the Shares of the Trust is publicly available on the Trust's Web site.

The Information Bulletin will also discuss any relief, if granted, by the Commission or the staff from any rules under the Act.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under section 6(b)(5) [31] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.201. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares with other markets that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares from such markets. In addition, the Exchange may obtain information regarding trading in the Shares from markets that are members of ISG or with which the Exchange has in place a CSSA. Also, pursuant to NYSE Arca Equities Rule 8.201(g), the Exchange is able to obtain information regarding trading in the Shares and the underlying bitcoin or any bitcoin derivative through ETP Holders acting as registered Market Makers, in connection with such ETP Holders' proprietary or customer trades through ETP Holders which they effect on any relevant market.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that there is a considerable amount of bitcoin price and bitcoin market information available on public Web sites and through professional and subscription services. Investors may obtain on a 24-hour basis bitcoin pricing information based on the spot price for bitcoin from various financial information service providers. The closing price and settlement prices of bitcoin are readily available from the bitcoin exchanges and other publicly available Web sites. In addition, such prices are published in public sources, or on-line information services such as Bloomberg and Reuters. The Trust will provide Web site disclosure of its bitcoin holdings daily. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the CTA. The IIV will be widely disseminated on a per Share basis every 15 seconds during the NYSE Arca Core Trading Session (normally 9:30 a.m., E.T., to 4:00 p.m., E.T.) by one or more major market data vendors. In addition, the IIV will be available through on-line information services. The Exchange represents that the Exchange may halt trading during the day in which an interruption to the dissemination of the IIV or the Index spot price occurs. If the interruption to the dissemination of the IIV or the Index spot price persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption. In addition, if the Exchange becomes aware that the Bitcoin Holdings with respect to the Shares is not disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the Bitcoin Holdings is available to all market participants. The Bitcoin Holdings per Share will be calculated daily and made available to all market participants at the same time. One or more major market data vendors will disseminate for the Trust on a daily basis information with respect to the most recent Bitcoin Holdings per Share and Shares outstanding.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a CSSA. In addition, as noted above, investors will have ready access to information regarding the Trust's bitcoin holdings, IIV and quotation and last sale information for the Shares.

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 notes that the proposed rule change will facilitate the listing and trading of an additional type of exchange-traded product, and the first such product based on bitcoin, which will enhance competition among market participants, to the benefit of investors and the marketplace.

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. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as modified by Amendment No. 2, is consistent with the Act. In particular, the Commission invites the written views of interested persons

[31] 15 U.S.C. 78f(b)(5).

concerning the sufficiency of the Exchange's statements in support of Amendment No. 2 to the proposed rule change, which are set forth above, and the specific requests for comment set forth in the Order Instituting Proceedings.[32]

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2017–06 in the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2017–06. This file number should be included in 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 these filings also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2017–06 and should be submitted on or before June 15, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–10687 Filed 5–24–17; 8:45 am]

BILLING CODE 8011–01–P

[32] *See* Order Instituting Proceedings, *supra* note 6.

[33] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15138 and #15139]

Idaho Disaster #ID–00067

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of IDAHO (FEMA–4313–DR), dated 05/18/2017.

Incident: Severe Storms, Flooding, Landslides, and Mudslides.

Incident Period: 03/06/2017 through 03/28/2017.

Effective Date: 05/18/2017.

Physical Loan Application Deadline Date: 07/17/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 02/20/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 05/18/2017, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Shoshone, Valley.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	2.500
Non-Profit Organizations Without Credit Available Elsewhere	2.500
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 151386 and for economic injury is 151396.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2017–10700 Filed 5–24–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15100 and #15101]

California Disaster Number CA–00267

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 CALIFORNIA (FEMA–4308–DR), dated 04/01/2017.

Incident: Severe Winter Storms, Flooding, and Mudslides.

Incident Period: 02/01/2017 through 02/23/2017.

Effective Date: 05/18/2017.

Physical Loan Application Deadline Date: 05/31/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 01/02/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: 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 CALIFORNIA, dated 04/01/2017, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties/Areas: Mono County and the Tule River Tribe located within Tulare County.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2017–10699 Filed 5–24–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Meeting of the Interagency Task Force on Veterans Small Business Development

AGENCY: U.S. Small Business Administration

ACTION: Notice of open Federal Interagency Task Force meeting.

SUMMARY: The U.S. Small Business Administration (SBA) is issuing this notice to announce the location, date, time and agenda for the next meeting of the Interagency Task Force on Veterans Small Business Development. The meeting is open to the public.

DATES AND TIMES: Wednesday, June 7, 2017, from 1:00 p.m. to 4:00 p.m.

ADDRESSES: U.S. Small Business Administration, 409 3rd Street SW., Washington, DC 20416.

Where:

Eisenhower Conference Room B, located on the Concourse level.

Teleconference Call In Number:

888–858–2144 Passcode: 4881729.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the Interagency Task Force on Veterans Small Business Development (Task Force). The Task Force is established pursuant to Executive Order 1354 to coordinate the efforts of Federal agencies to improve capital, business development opportunities, and pre-established federal contracting goals for small business concerns owned and controlled by veterans and service-disabled veterans.

Moreover, the Task Force shall coordinate administrative and regulatory activities and develop proposals relating to ''six focus areas'': (1) Improving capital access and capacity of small business concerns owned and controlled by veterans and service-disabled veterans through loans, surety bonding, and franchising; (2) ensuring achievement of the pre-established Federal contracting goals for small business concerns owned and controlled by veterans and service disabled veterans through expanded mentor-protégé assistance and matching such small business concerns with contracting opportunities; (3) increasing the integrity of certifications of status as a small business concern owned and controlled by a veteran or service-disabled veteran; (4) reducing paperwork and administrative burdens on veterans in accessing business development and entrepreneurship opportunities; (5) increasing and improving training and counseling services provided to small business concerns owned and controlled by veterans; and (6) making other improvements relating to the support for veterans business development by the Federal Government.

Additional Information: This meeting is open to the public. Advance notice of attendance is requested. Anyone wishing to attend and/or make comments to the Task Force must contact SBA's Office of Veterans Business Development no later than June 2, 2017 at *veteransbusiness@sba.gov.* Comments for the record should be applicable to the ''six focus areas'' of the Task Force and will be limited to five minutes in the interest of time and to accommodate as many participants as possible. Written comments should also be sent to the above email no later than June 2, 2017. Special accommodations requests should also be directed to SBA's Office of Veterans Business Development at (202) 205–6773 or to *veteransbusiness@sba.gov.*

For more information on veteran owned small business programs, please visit *www.sba.gov/veterans.*

Dated: May 16, 2017.

Richard W. Kingan,

SBA Committee Management Officer.

[FR Doc. 2017–10730 Filed 5–24–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice: 10001]

Notice of Receipt of Express Pipeline LLC (Express US) Notification for Maintaining a Presidential Permit to Operate and Maintain Pipeline Facilities on the Border of the United States and Canada

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State (''Department'') has received from Enbridge Inc. (''Enbridge'') notice that Enbridge has acquired the entities that own Express Pipeline LLC (''Express US''), which owns, operates and maintains pipeline facilities (''Express Pipeline'') authorized under a Presidential permit issued to Express US on July 9, 2015. Express US will continue to own, operate, and maintain the Express Pipeline as well as hold the Presidential permit.

Interested parties are invited to submit comments within 30 days of the publication date of this notice on *http://www.regulations.gov* with regard to whether maintaining a Presidential permit for the Express Pipeline would be in the national interest in light of the change in control of the existing border facility.

DATES: The Department will accept comments until June 26, 2017.

FOR FURTHER INFORMATION CONTACT: Presidential Permit Coordinator, Energy Resources Bureau, Office of Policy Analysis and Public Diplomacy, United States Department of State, 2201 C St. NW., Suite 4422, Washington, DC 20520.

SUPPLEMENTARY INFORMATION: Enbridge's notification is available at *https://www.state.gov/e/enr/applicant/applicants/expresspipeline/index.htm.* Express US is a corporation duly organized under the laws of Delaware. The ultimate parent company of Express is now Enbridge, a publicly traded corporation based in Calgary, Canada with approximately 15,811 miles (25,446 kilometers) of active crude pipeline across North America.

The Express Pipeline is a 786-mile, 24-inch crude oil pipeline crossing the U.S.-Canada border near Wild Horse, Montana, and terminating near Casper, Wyoming. The Express Pipeline has been in operation since 1997 and primarily transports crude oil from Hardisty, Alberta, Canada.

Under Executive Order 13337 the Secretary of State is designated and empowered to receive all applications for Presidential permits for the construction, connection, operation, or maintenance at the borders of the United States, of facilities for the exportation or importation of liquid petroleum, petroleum products, or other non-gaseous fuels to or from a foreign country. The Department has the responsibility to determine whether issuance of a new Presidential permit reflecting the change in control of the Express Pipeline would be in the U.S. national interest.

Consistent with Public Notice 5092, (Procedures for Issuance of a Presidential Permit Where There Has Been a Transfer of the Underlying Facility, Bridge or Border Crossing for Land Transportation, 70 FR 30990, issued on May 31, 2005), the

Department typically does not conduct environmental analysis when deciding whether to issue a permit that reflects a change in ownership or control of an existing border facility, where that change in ownership or control is not accompanied by changes to the facilities or their use as authorized by the existing permit unless information is brought to the Department's attention in connection with the application process that the transfer potentially would have a significant impact on the quality of the human environment.

To submit a comment, go to *http://www.regulations.gov,* enter Federal Registrar number DOS–2017–0024, and follow the prompts. Written comments should be addressed to: Mr. Marcus D. Lee, U.S. Department of State, 2201 C Street NW., Suite 4422, Washington, DC 20520.

Comments are not private. They will be posted on the *Regulations.gov* site. The comments will not be edited to remove identifying or contact information, and the Department cautions against including any information that one does not want publicly disclosed. The Department requests that any party soliciting or aggregating comments received from other persons for submission to the Department inform those persons that the Department will not edit their comments to remove identifying or contact information, and that they should not include any information in their comments that they do not want publicly disclosed.

Matthew T. McManus,

Acting Director, Office of Policy, Analysis and Public Diplomacy, Bureau of Energy Resources, Department of State.

[FR Doc. 2017–10685 Filed 5–24–17; 8:45 am]

BILLING CODE 4710–AE–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 290 (Sub-No. 393X)]

Norfolk Southern Railway Company—Abandonment Exemption—Between Mansfield and Bloomington, in McLean, Dewitt and Piatt Counties, Ill.

Norfolk Southern Railway Company (NSR) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon approximately 30.40 miles of rail line between milepost UM 47.9 and milepost UM 78.3 between Mansfield and Bloomington, in McLean, Dewitt and Piatt Counties, Ill. (the Line).[1] The Line traverses United States Postal Service Zip Codes 61701, 61704, 61705, 61736, 61752, 61842, and 61854.

NSR has certified that: (1) No local traffic has moved over the Line for at least two years; (2) no overhead traffic has moved over the Line for at least two years and overhead traffic, if there were any, could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on June 24, 2017, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by June 2, 2017. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by June 14, 2017, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave. NW., Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void ab initio.

NSR has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by May 30, 2017. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by NSR's filing of a notice of consummation by May 25, 2018, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at ''*WWW.STB.GOV.*''

Decided: May 22, 2017.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2017–10746 Filed 5–24–17; 8:45 am]

BILLING CODE 4915–01–P

[1] NSR was authorized to discontinue service over the Line in 2004. *Norfolk S. Ry.—Discontinuance of Serv. Exemption—in McLean, Dewitt, & Piatt Ctys., Ill.,* AB 290 (Sub-No. 249X) (STB served Feb. 11, 2004).

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each OFA must be accompanied by the filing fee, which is currently set at $1,700. *See* 49 CFR 1002.2(f)(25).

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36109]

Grupo México, S.A.B. de C.V. and GMéxico Transportes, S.A. de C.V.—Control Exemption—Florida East Coast Holdings Corp.

AGENCY: Surface Transportation Board.

ACTION: Correction to notice of exemption.

On April 10, 2017, GMéxico Transportes, S.A. de C.V. (GMéxico Transportes), a non-carrier holding

company, filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2) to control Florida East Coast Railway, L.L.C. (FECR), a Class II rail carrier operating in the state of Florida, and Texas Pacifico Transportation, Ltd. (Pacifico), a Class III rail carrier operating in the state of Texas, upon the merger of GMXT Florida Merger Sub, Inc., a non-carrier subsidiary of GMéxico Transportes, with and into Florida East Coast Holdings Corp., a non-carrier currently controlling FECR. On April 28, 2017, GMéxico Transportes filed an amendment to its verified notice of exemption to identify and encompass its parent company, Grupo México, S.A.B. de C.V. (Grupo México), also a non-carrier holding company, and to identify Copper Basin Railway, Inc. (Copper Basin), a Class III rail carrier operating in the state of Arizona, as an additional carrier which Grupo México controls.

Notice of the exemption was served on May 9, 2017, and published in the **Federal Register** on May 12, 2017. (82 FR 22,181). On May 11, 2017, GMéxico Transportes filed a letter requesting that the Board correct the statement on page one of the notice that ''Control of [FECR, Pacifico, and Copper Basin] by Grupo México and GMéxico Transportes will be effected upon the merger'' to clarify that GMéxico Transportes will not obtain control of Copper Basin as a result of the transaction. By this notice, that statement is corrected to read as follows: ''Control of FECR, Pacifico, and Copper Basin by Grupo México, including control of Pacifico and FECR by GMéxico Transportes, as a subsidiary of Grupo México, will be effected upon the merger described in the notice.'' All other information in the notice remains unchanged.

Board decisions and notices are available on our Web site at ''*WWW.STB.GOV.*''

Decided: May 22, 2017.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2017–10718 Filed 5–24–17; 8:45 am]

BILLING CODE 4915–01–P

TENNESSEE VALLEY AUTHORITY

Meeting of the Regional Resource Stewardship Council

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of meeting.

SUMMARY: The TVA Regional Resource Stewardship Council (RRSC) will hold a meeting on Tuesday, June 6 and Wednesday, June 7, 2017, to consider various matters.

The RRSC was established to advise TVA on its natural resource stewardship activities. Notice of this meeting is given under the Federal Advisory Committee Act (FACA).

DATES: The public meeting will be held on Tuesday, June 6, 2017, from 8:30 a.m. to 11:45 a.m., EDT, and Wednesday, June 7, 2017, from 8:30 a.m. to 11:30 a.m., EDT.

ADDRESSES: The meeting will be held at 400 West Summit Hill Drive, Knoxville, Tennessee 37902, and will be open to the public. Anyone needing special access or accommodations should let the contact below know at least a week in advance.

FOR FURTHER INFORMATION CONTACT: Barbie Perdue, 400 West Summit Hill Drive, WT–9 D, Knoxville, Tennessee 37902, (865) 632–6113.

SUPPLEMENTARY INFORMATION: The meeting agenda includes the following:

1. Introductions
2. Updates on Natural Resources and River Management Issues
3. Presentations regarding the economic benefits of TVA's management of Public Land and Waters
4. Public Comments
5. Council Discussion and Advice

The RRSC will hear opinions and views of citizens by providing a public comment session starting at 9:00 a.m. EDT, lasting up to one hour, on Wednesday, June 7, 2017, TVA will provide time limits for public comment once registered. Persons wishing to speak are requested to register at the door between 7:45 a.m. and 8:45 a.m., EDT, on Wednesday, June 7, 2017, and will be called on during the public comment period. Handout materials should be limited to one printed page. Written comments are also invited and may be mailed to the Regional Resource Stewardship Council, Tennessee Valley Authority, 400 West Summit Hill Drive, WT–9 D, Knoxville, Tennessee 37902.

Dated: May 12, 2017.

Joseph J. Hoagland,

Vice President, Enterprise Relations and Innovation, Tennessee Valley Authority.

[FR Doc. 2017–10416 Filed 5–24–17; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2017–26]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14, Code of Federal Regulations (14 CFR). The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before June 14, 2017.

ADDRESSES: You may send comments identified by docket number FAA–2017–0269 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments digitally.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to

http://www.regulations.gov at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lynette Mitterer, ANM–113, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057–3356, email *Lynette.Mitterer@faa.gov,* phone (425) 227–1047.

This notice is published pursuant to 14 CFR 11.85.

Issued in Renton, Washington, on April 13, 2017.

Victor Wicklund,

Manager, Transport Standards Staff.

Petition for Exemption

Docket No.: FAA–2017–0269.

Petitioner: Gulfstream.

Section of 14 CFR Affected: § 25.981(a)(3).

Description of Relief Sought: Allow a simpler lightning protection design that is less susceptible to inadvertent failure conditions that could result in ignition sources.

[FR Doc. 2017–10692 Filed 5–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2015–0040; Notice 2]

BMW of North America, LLC, Denial of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Denial of petition.

SUMMARY: BMW of North America, LLC, (BMW) a subsidiary of BMW AG in Munich, Germany, has determined that certain model year (MY) 2013 BMW 5 Series sedan passenger cars do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices and Associated Equipment.* BMW filed a noncompliance report dated March 26, 2015. BMW also petitioned NHTSA on April 17, 2015, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

ADDRESSES: For further information on this decision contact Mike Cole, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5319, facsimile (202) 366–3081.

SUPPLEMENTARY INFORMATION:

I. Overview

BMW of North America, LLC, (BMW) a subsidiary of BMW AG in Munich, Germany, has determined that certain model year (MY) 2013 BMW 5 Series sedan passenger cars do not fully comply with paragraph S8.1.11 of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices and Associated Equipment.* BMW filed a noncompliance report dated March 26, 2015, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), BMW also petitioned NHTSA on April 17, 2015, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published with a 30-day public comment period, on June 11, 2015, in the **Federal Register** (80 FR 33332). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *https://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2015–0040.''

II. Vehicles Involved

Affected are approximately 13,899 MY 2013 BMW 5 Series sedan passenger cars manufactured between January 30, 2013 and June 28, 2013.

III. Noncompliance

BMW explains the noncompliance as a failure of some of the rear reflex reflectors on the affected vehicles to fully conform to the minimum photometric performance required by paragraph S8.1.11 of FMVSS No. 108.

IV. Rule Text

Paragraph S8.1.11 of FMVSS No. 108 requires in pertinent part:

S8.1.11 *Photometry.* Each reflex reflector must be designed to conform to the photometry requirements of Table XVI–a when tested according to the procedure of S14.2.3 for the reflex reflector color as specified by this section.

V. Summary of BMW's Analyses

BMW used Ricco's Law to determine a minimum required reflection coefficient in its analysis. BMW chose Ricco's Law because they believe it best corresponds to the human physiological condition in which a light source of a given size and intensity is minimally capable (*i.e.,* illumination threshold) of producing visual perception.

As such, BMW created a graph whereby the y-axis represented the reflection coefficient in units consistent with FMVSS No. 108 and the x-axis represented the distance between two vehicles in order to simulate the condition of an approaching vehicle and a parked or stopped vehicle.

BMW provided the graph to illustrate that even with parameters representing a ''worst-case scenario,'' sufficient visibility of the rear reflex reflectors of the affected vehicles exists.

BMW stated that it has not received any contacts from vehicle owners or other road users regarding issues related to the subject noncompliance and is also not aware of any accidents or injuries that have occurred as a result of this issue.

BMW has additionally informed NHTSA that it has corrected the noncompliance so that subsequent vehicle production will conform to paragraph 8.1.11 of FMVSS No. 108.

In summation, BMW believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt BMW from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

NHTSA's Decision

NHTSA's Analysis: Reflex reflectors make a vehicle conspicuous to drivers of other vehicles at night and at other times when there is reduced ambient light including dawn and dusk. The advance warning provided by the rear reflex reflectors has the potential to enable drivers to avoid a collision when approaching from the rear.

In reviewing BMW's technical arguments, BMW claims that 2.5 mcd/lux is sufficient ''visibility'' for reflex reflectors. BMW bases this claim on an equation known as Ricco's law, and provided a link to a University of Calgary Web page (*http://ucalgary.ca/pip369/mod3/brightness/threelaws*) that provides a very limited description of this science. When compared to the FMVSS No. 108 required minimum performance of 420, 280, and 140 mcd/lux at certain test points and observation angles, the value that BMW claims is sufficient, 2.5 mcd/lux, represents only 0.5%, 0.8%, and 1.7%

of the required minimum performance requirements. Based on the agency's review of BMW's technical analysis, we do not believe they have fully accounted for the complexities of real world driving in their proposed minimum perceivable performance. Additional factors must be accounted for in the determination of minimum performance, some include: Dirt buildup on the device, older driver's visual perception skills, a variety of ambient illumination and surrounding contrast scenes, and the continually changing viewing geometry between the reflex reflector and observer.

In consideration that the primary function of a rear reflex reflector is to reduce crashes by permitting early detection of unlighted preceding motor vehicles or those parked by the side of the road, NHTSA has concluded that BMW's assessment that 2.5 mcd/lux is a suitable ''required reflection coefficient,'' a value representing less than 1.7% of the FMVSS No. 108 required minimum values, is not compelling.

BMW did not provide any test reports detailing the performance of its noncompliant rear reflex reflectors; however, it did indicate that the worst measured values were 154, 120, and 91 mcd/lux at certain test points. These values are substantially below the minimum values required by FMVSS No. 108 (420, 280, and 140 mcd/lux) by 63%, 57%, and 35%, respectively. Based on these photometric performance failures, NHTSA believes that BMW's noncompliant reflex reflectors present a consequential risk to motor vehicle safety.

BMW also states that it had not received contacts from vehicle owners, or other road users, regarding this issue. Nor is it aware of any accidents or injuries that have occurred as a result of this issue. NHTSA does not consider the absence of complaints to show that a noncompliance is inconsequential to safety. Vehicle lighting functions as a signal to other motorists and pedestrians; if other motorists found the noncompliant lighting confusing, it is unlikely that those motorists would have been able to identify the subject vehicle and make a complaint to either NHTSA or BMW. Most importantly, the absence of a complaint does not mean there have not been any safety issues, nor does it mean that there will not be safety issues in the future.

NHTSA's Decision: In consideration of the foregoing, NHTSA finds that BMW has not met its burden of persuasion that the FMVSS No. 108 noncompliance is inconsequential to motor vehicle safety. Accordingly, BMW's petition is hereby denied and BMW is obligated to provide notification of, and a remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8).

Jeffrey M. Giuseppe,

Acting Associate Administrator, Enforcement.

[FR Doc. 2017–10743 Filed 5–24–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2015–0092; Notice 2]

DRV, LLC, Denial of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Denial of Petition.

SUMMARY: DRV, LLC (DRV), a wholly owned subsidiary of Thor Industries, Inc., has determined that certain model year (MY) 2003–2016 DRV trailers do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment.* DRV filed a noncompliance report dated July 31, 2015, that was later revised on August 18, 2015. DRV also petitioned NHTSA on August 14, 2015, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

ADDRESSES: For further information on this decision contact Michael Cole, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5319, facsimile (202) 366–3081.

SUPPLEMENTARY INFORMATION:

I. Overview

DRV, LLC (DRV), a wholly owned subsidiary of Thor Industries, Inc., has determined that certain model year (MY) 2003–2016 DRV trailers do not fully comply with paragraph S8.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment.* DRV filed a noncompliance report dated July 31, 2015, that was later revised on August 18, 2015, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* DRV also petitioned NHTSA on August 14, 2015, pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the petition was published, with a 30-day public comment period, on October 8, 2015, in the **Federal Register** (80 FR 60955). No comments were received. To view the petition and all supporting documents, log onto the Federal Docket Management System (FDMS) Web site at: *http://www.regulations.gov/.* Follow the online search instructions to locate docket number ''NHTSA–2015–0092.''

II. Trailers Involved

Affected are approximately 7,465 of the following trailers:

- MY 2003–2016 DRV Mobile Suites (Manufactured between April 22, 2003 and July 22, 2015)
- MY 2014–2015 DRV Traditions (Manufactured between April 1, 2013 and July 24, 2015)
- MY 2013–2016 DRV Estates (Manufactured between April 1, 2012 and July 24, 2015)
- MY 2006–2016 DRV Elite Suites (Manufactured April 1, 2005 and July 24, 2015)
- MY 2014–2016 DRV Full House (Manufactured April 1, 2013 and July 24, 2015)

III. Noncompliance

DRV explained the noncompliance as the location of the front side reflex reflectors on the subject trailers at approximately 8″ and 10″ above the maximum 60″ height-above-road surface required by paragraph S8.1 of FMVSS No. 108.

IV. Rule Text

Paragraph S8.1 of FMVSS No. 108 requires in pertinent part:

S8.1 *Reflex reflectors.*

. . .

S8.1.4 *Mounting Height.* See Tables I–a, I–b, I–c.

. . .

TABLE I–b—REQUIRED LAMPS AND REFLECTIVE DEVICES

Lighting device	Number and color	Mounting location	Mounting height	Device activation
ALL TRAILERS				
* *	*	* *	*	*
Reflex Reflectors. A trailer equipped with a conspicuity treatment in conformance with S8.2 of this standard need not be equipped with reflex reflectors if the conspicuity material is placed at the locations of the required reflex reflectors.	2 Amber. None required on trailers less than 1829 mm [6 ft] in overall length including the trailer tongue.	On each side as far to the front as practicable exclusive of the trailer tongue.	Not less than 15 inches, nor more than 60 inches.	Not applicable.
* *	*	* *	*	*

V. Summary of DRV's Arguments

DRV stated its belief that the subject noncompliance is inconsequential to motor vehicle safety because a reflex reflector is present as required by FMVSS No. 108 but the reflector is located approximately 8″ to 10″ above the maximum allowable height for such reflectors.

DRV also stated that it has received no complaints, and does not know of any accidents that have occurred, due to the reflectors being in the non-compliant position.

In summation, DRV believes that the described noncompliance of the subject trailers is inconsequential to motor vehicle safety. DRV asks NHTSA to grant a petition to exempt DRV from providing notification of a noncompliance recall as required by 49 U.S.C. 30118 and remedying the noncompliance as required by 49 U.S.C. 30120.

NHTSA Decision

NHTSA's Analysis: After review of DRV's petition, NHTSA has determined that the petitioner has not met the burden of persuasion that the noncompliance is inconsequential to safety. DRV failed to provide any data supporting its conclusion that the noncompliance is inconsequential and, except for stating it had not received any complaints about the location of the reflectors, did not address any of the potential safety risks associated with the noncompliance.

For the purposes of FMVSS No. 108, the primary function of a reflex reflector is to prevent crashes by permitting early detection of an unlighted motor vehicle at an intersection or when parked on or by the side of the road. Because reflex reflectors are not independent light sources, their performance is wholly reliant upon the amount of illumination they receive from vehicle headlamps. Ideally, a reflex reflector would achieve its highest performance when the reflex reflector is mounted at the height of another vehicle's lower beam ''hot spot.'' Due to the significant range of permissible mounting heights for headlamps (between 22 and 54 inches), achieving such ideal performance is impractical. FMVSS No. 108, which establishes minimum performance standards for reflex reflectors, specifies a range of acceptable reflector mounting heights (not less than 15 inches or more than 60 inches) to ensure that reflex reflectors are exposed to enough illumination to be effective. The standard also provides allowances in the fore and aft location of reflex reflectors (*e.g.,* as far to the front as practicable). This flexibility provides vehicle manufacturers with sufficient flexibility in mounting locations to ensure that the mounting height remains in the appropriate range to ensure adequate reflex reflector performance relative to headlamps that would illuminate them.

DRV also states that it was not aware of any complaints or accidents that occurred due to the positioning of the reflex reflector. In NHTSA's view, the absence of complaints does not provide persuasive evidence demonstrating a lack of a safety issue here, nor does it mean that there will not be safety issues in the future. As such, NHTSA does not consider this to be a determining factor that DRV's noncompliance is inconsequential to motor vehicle safety.

NHTSA's Decision: In consideration of the foregoing, NHTSA finds that DRV has not met its burden of persuasion in support of the claim that the FMVSS No. 108 noncompliance in the subject trailers is inconsequential to motor vehicle safety. DRV has not presented any data indicating that the performance of a reflex reflector mounted at a height of 68 to 70 inches above the ground provides a level of safety performance equivalent to that of a reflector mounted within the range of heights specified by FMVSS No. 108. Accordingly, DRV's petition is hereby denied and DRV is obligated to provide notification of, and a free remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

Authority: (49 U.S.C. 30118, 30120: Delegations of authority at 49 CFR 1.95 and 501.8)

Jeffrey M. Giuseppe,

Acting Associate Administrator, Enforcement.

[FR Doc. 2017–10744 Filed 5–24–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2015–0103; Notice 2]

Michelin North America, Inc., Mootness of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Mootness of Petition.

SUMMARY: Michelin North America, Inc. (MNA), has determined that certain Michelin heavy truck tires do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 119, *New Pneumatic Tires for Motor Vehicles with a GVWR of More than 4,536 kilograms (10,000 pounds) and Motorcycles.* MNA filed a noncompliance report dated September 18, 2015. MNA then petitioned NHTSA on October 1, 2015, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

FOR FURTHER INFORMATION CONTACT: For further information on this decision contact Abraham Diaz, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5310, facsimile (202) 366–5930.

SUPPLEMENTARY INFORMATION:

I. Overview

Michelin North America, Inc. (MNA), has determined that certain Michelin heavy truck tires do not fully comply with paragraphs S6.5(a) and (j) of Federal Motor Vehicle Safety Standard (FMVSS) No. 119, *New Pneumatic Tires for Motor Vehicles with a GVWR of*

More than 4,536 kilograms (10,000 pounds) and Motorcycles. MNA has filed a report dated September 18, 2015, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* MNA then petitioned NHTSA on October 1, 2015, pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published with a 30-day public comment period, on November 19, 2015 in the **Federal Register** (80 FR 72483). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *https://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2015–0103.''

II. Tires Involved

Affected are approximately 247 Michelin X Works XZY size 315/80R22.5 156/150K heavy truck tires that were manufactured between January 1, 2011 and July 31, 2015.

III. Noncompliance

MNA describes the noncompliance's as the inadvertent omission from the tires sidewall of the letter marking that designates the tire load range as required by paragraph S6.5(j) and the symbol ''DOT'' confirming certification as required by paragraph S6.5(a) of FMVSS No. 119.

IV. Rule Text

Paragraph S6.5 of FMVSS No. 119 requires in pertinent part:

S6.5 *Tire Markings.* Except as specified in this paragraph, each tire shall be marked on each sidewall with the information specified in paragraphs (a) through (j) of this section. . . .

(a) The symbol DOT, which shall constitute a certification that the tire conforms to applicable Federal Motor Vehicle Safety standards. This symbol may be marked on only one sidewall. . . .

(j) The letter designating the tire Load Range.

V. Summary of MNA's Petition

MNA believes that while it did not intend to release the subject tires for sale in the US market, and therefore did not mark the tires accordingly, it believes that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

(1) *Maximum Load Rating:* The subject tires are marked on both sidewalls with the European Tyre and Rim Technical Organisation (ETRTO) published load capacities in pounds and kilograms for single and dual application in the format specified by FMVSS No. 119. MNA believes that this marking provides sufficient information to ensure the proper application of the tire.

(2) *Load Index:* The subject tire is marked with the [International Organization for Standardization] ISO load indices for single and dual application as specified by the ETRTO standard. MNA believes that ISO load indices are widely recognized within the industry and thus provide additional information to ensure the proper application of the tire.

(3) *Other Markings:* All other markings specified by FMVSS No. 119 are present on the tire including the full tire identification number (TIN).

(4) *Performance:* The subject tire meets all performance requirements of FMVSS No. 119. MNA believes that the subject noncompliances have no impact on the load carrying capacity of the tire on a motor vehicle, nor on motor vehicle safety itself.

(5) *Vehicle Fitment:* Paragraph S6 of FMVSS No. 119 requires that the marking should contain load capacity values in pounds and kilograms as well as a letter designating the load range. This information is used by vehicle owners to ensure adequate tire load capacity for the specific vehicle configuration. Although the subject tire lacks the letter designating the load range, MNA believes that the ETRTO standard load capacity values and ISO load indices for single and dual application which are widely recognized in the industry are present to ensure proper application.

(6) MNA has additionally informed NHTSA that it has corrected its internal systems error to prevent similar tires from being released for sale in the U.S. market in the future.

In summation, MNA believes that the described noncompliances of the subject tires is inconsequential to motor vehicle safety, and that its petition, to exempt MNA from providing recall notification of noncompliances as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

VI. NHTSA'S Decision

As part of a settlement agreement for violations of 49 U.S.C. 30115(a) and 49 U.S.C. 30112(a)(1), MNA agreed to conduct a notification and remedy campaign for the affected tires,[1] therefore this petition is moot. Refer to Docket No. NHTSA–2015–0103 for more information about the settlement agreement.

[1] NHTSA ID 15T–020.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2017–10745 Filed 5–24–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8867

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 Form 8867, Paid Preparer's Earned Income Credit Checklist.

DATES: Written comments should be received on or before July 24, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

Requests for additional information or copies of the form and instructions should be directed to Sara Covington at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Paid Preparer's Earned Income Credit Checklist.

OMB Number: 1545–1629.

Form Number: 8867.

Abstract: Form 8867 helps preparers meet the due diligence requirements of Internal Revenue Code section 6695(g), which was added by section 1085(a)(2) of the Taxpayer Relief Act of 1997. Paid preparers of Federal Income tax returns or claims for refund involving the earned income credit (EIC) must meet the due diligence requirements in determining if the taxpayer is eligible for the RIC and the amount of the credit.

Failure to do so could result in a $100 penalty for each failure. Completion of Form 8867 is one of the due diligence requirements.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 8,368,447.

Estimated Time per Respondent: 2 hours, 7 minutes.

Estimated Total Annual Burden Hours: 17,824,793.

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 15, 2017.

Tuawana Pinkston,

Supervisory Tax Analyst.

[FR Doc. 2017–10684 Filed 5–24–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Family, Caregiver, and Survivor Advisory Committee; Notice of Establishment

As required by Section 9(a)(2) of the Federal Advisory Committee Act, the Department of Veterans Affairs hereby gives notice of the establishment of the Veterans' Family, Caregiver, and Survivor Advisory Committee. The Secretary of Veterans Affairs has determined that establishing the Committee is both necessary and in the public interest.

The Committee will advise the Secretary and the Chief Veterans Experience Officer on matters related to Veterans families, caregivers, and survivors across all generations, relationship and Veteran status; and to gain a better understanding of the use of VA care and benefits services by Veterans families, the VA seeks to engage Veteran family members, Veterans family research experts and Veteran family service providers in the consideration of factors that influence access, quality and accountability.

Committee members will be appointed by the Secretary and membership will be drawn from various sectors and organizations including but not limited to Veteran-focused organizations; military history and academic communities; Veteran Service Organizations; Military Service Organizations; the National Association of State Directors of Veterans Affairs; non-profit, private, and corporate partners; the Federal executive branch; research experts; service providers; Veterans' family members, caregivers, survivors; and leaders of key stakeholder associations and organizations.

Any member of the public seeking additional information should contact Christine Merna, Designated Federal Officer (DFO), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC, or email at *Christine.Merna@va.gov;* or phone at (202) 632–8692.

Dated: May 22, 2017.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2017–10721 Filed 5–24–17; 8:45 am]

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

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