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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

[Document Number AMS–SC–16–0005, SC–16–331]

U.S. Standards for Grades of Shelled Walnuts and Walnuts in the Shell

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule revises the U.S. Standards for Grades of Shelled Walnuts and the U.S. Standards for Grades of Walnuts in the Shell issued under the Agricultural Marketing Agreement Act of 1946. The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) is amending the color requirements to include red-colored walnuts. In addition, AMS is removing the ''Unclassified'' section. These revisions will modernize the standards to more accurately represent today's marketing practices and to meet growing consumer demand by providing greater marketing flexibility.

DATES: Effective September 21, 2017.

FOR FURTHER INFORMATION CONTACT: David G. Horner, Agricultural Marketing Specialist, Specialty Crops Inspection Division, USDA/AMS Specialty Crops Program, 100 Riverside Parkway, Suite 101, Fredericksburg, VA 22406; telephone (540) 361–1120; fax (540) 361–1199; or email *Dave.Horner@ams.usda.gov.* Copies of the revised U.S. Standards for Grades of Shelled Walnuts and Walnuts in the Shell are available at *http://www.regulations.gov* or *http://www.ams.usda.gov/.*

SUPPLEMENTARY INFORMATION: The changes in these two sets of standards will permit grade certification of red-colored walnut varieties. These revisions also affect the grade requirements under the marketing order, 7 CFR part 984, issued under the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601–674) and applicable imports.

Executive Orders 12866 and 13563

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). 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.

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 rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this rule.

Regulatory Flexibility Act and Paperwork Reduction Act

Pursuant to the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has considered the economic impacts of the revisions to the U.S. Standards for Grades of Shelled Walnuts and the U.S. Standards for Grades of Walnuts in the Shell. The purpose of the RFA is to structure regulatory actions so small businesses will not be unduly or disproportionately burdened. Accordingly, AMS has prepared the following final regulatory flexibility analysis.

The current U.S. walnut standards have four color classifications: Extra Light, Light, Light Amber, and Amber. Product that does not meet these color standards cannot be certified to a U.S. grade. AMS is revising these standards to include a new classification for red-colored walnuts. In addition, AMS is eliminating the ''Unclassified'' section. These revisions modernize the current grading standards by allowing the industry to meet the growing consumer demand for red-colored walnuts and by promoting better market information and greater marketing flexibility within the industry.

The process of grading improves the functioning of a commodity market. Assigning different prices to different product characteristics and levels of quality increases opportunities for profitable trade. Including red-colored varieties to the walnut grading standards will facilitate additional market opportunities for walnut producers and other participants in the supply chain. The revision will result in a minor change only to the color requirements of the current standards. AMS anticipates that there will be little or no additional cost to implement this revision. This change applies uniformly to all market participants, and will not result in disproportionate additional costs being borne by small walnut producers or other small businesses.

To determine the proportion of walnut producers that would be considered small, AMS conducted the following analysis. The Small Business Administration (SBA) defines small agricultural producers as those with annual receipts of less than $750,000 (13 CFR 121.601).

AMS used crop value per acre to determine the number of bearing acres required to generate annual sales of $750,000 or more, and came to 136 bearing acres. To reach this number, AMS divided the total crop value measured in dollars by the total utilized production measured in tons. Using annual National Agricultural Statistics Service (NASS) data for the years 2010 to 2014, the 5-year average crop value

was $1,507,478,000; utilized production was 504,800 tons; and, grower price was $2,982 per ton. AMS multiplied the price by yield to find the crop value per acre of $5,670 on average over 5 years. Finally, AMS divided the SBA-defined annual sales threshold of $750,000 by value per acre, which resulted in 136 acres.

The NASS Agricultural Census is conducted every 5 years and in 2012 showed that 87 percent of walnut farming operations in the U.S. fell into its Census category of ''under 100 bearing acres'' of walnuts. AMS estimates that the proportion of walnut growers that qualify as small businesses under the SBA definition is likely to be close to 90 percent, given the probable exclusion in the ''under 100 bearing acres'' Census category of walnut producers with bearing acreage between 100 and 136. These small growers will not be disproportionately affected by the final rule as all changes to the standards will be applied uniformly to all market participants.

In August 2015, the Grades and Standards Committee of the California Walnut Board and Commission voted unanimously to revise the U.S. walnut standards to include non-amber cultivars such as red-colored varieties. More than 99 percent of U.S. walnuts are produced in California. Addition of an expanded color certification grade will encourage greater revenue to flow into the industry due to greater marketing opportunities for red-colored nuts. Revising the current grading standards to include red walnuts will come at a minimal cost to the industry. The benefits of modernized grading standards, which include better market information and greater marketing flexibility, exceed the minor costs to market participants of implementing this revision to the U.S. standards for walnuts.

Background

The current U.S. walnut standards only permit the following four colors: Extra Light, Light, Light Amber, and Amber. However, consumer demand is growing for red walnuts in the United States. In China, the Livermore variety (a red-colored walnut) is very desirable. U.S. growers and companies expect sales to continue rising domestically and in China, especially once red walnuts are permitted grade certification.

To address anticipated consumer needs, the Grades and Standards Committee of the California Walnut Board and Commission voted unanimously in August 2015 to revise the U.S. walnut standards to include non-amber cultivars, beginning with the Livermore variety. Later, the California Walnut Board and Commission sent an official letter to the AMS Administrator formally requesting the addition of red-colored varieties.

On November 25, 2016, AMS published a Proposed Rule in the **Federal Register** (81 FR 85164) soliciting comments on its proposal to amend the standards to (1) include red-colored walnuts and (2) remove the ''Unclassified'' section. On March 23, 2017, AMS published a ''Reopening of the comment period'' in the **Federal Register** (82 FR 14832). The extended comment period closed April 24, 2017. To view the eight posted comments, please visit *http://www.regulations.gov.*

Six commenters supported the changes. One supporter was a trade association representing nearly 4,000 family farms, nearly 60,000 jobs, and a $1.7 billion walnut industry. The other supporting commenters were from the general public. Two of the supporting individuals asked for clarification on the following:

- Was there a health hazard in the past, preventing red walnuts from being certified to a U.S. grade? No. When the USDA Walnut Color Chart was developed in 1967, walnuts came in light to dark amber colors. Since then, red varieties of walnuts (*e.g.,* Livermore) have been bred and seen increased demand. The standards are being updated to reflect the changing market.
- Are red walnuts a type of English walnut? Yes. Red walnuts, such as the Livermore variety, are a *Juglans Regia* cultivar with a red seed coat.
- What would prevent the industry from marketing dyed walnuts as true red walnuts? Marketing Order 984, which regulates walnuts grown in California, prohibits walnuts from being modified in any form (over 99 percent of U.S. walnuts are grown in California). In addition, the U.S. grade standards have no provision for artificial coloring and, therefore, walnuts could not be certified to grade if color was added.

Two commenters, representing the general public, opposed the changes. One believed red walnuts should be free from regulations and the other believed it would affect the market negatively. The purpose of U.S. grade standards is to facilitate the marketing of agriculture in the United States and around the world. These revisions come at the request of the U.S. walnut industry. In addition, AMS believes these revisions would increase supply of red walnuts. Marketing Order 984 requires walnuts grown in California to be certified to a U.S. grade. Once red walnuts can be grade certified, they will become more available to domestic and global consumers.

Based on the above information gathered, AMS is making the following revisions in the U.S. Standards for Grades of Shelled Walnuts:

- *§ 51.2276 Color chart:* Removed and reserved. The information in this section regarding the U.S.D.A. Walnut Color Chart is obsolete.
- *§ 51.2277 U.S. No. 1(a):* Revised to include red walnuts.
- *§ 51.2278 U.S. Commercial (a):* Revised to include red walnuts.
- *§ 51.2279 Unclassified:* Removed and reserved. AMS is removing this section in all standards as they are revised, as it is no longer considered necessary.
- *§ 51.2281 Color classifications:* The section is reorganized into subparts (a) and (b) to include red walnuts.
- *§ 51.2282 Table II:* Revised to include red walnuts.
- *§ 51.2283 Off color:* Revised to include red walnuts.

In addition, AMS is making the following revisions in the U.S. Standards for Grades of Walnuts in the Shell:

- *§ 51.2946 Color chart:* Removed and reserved. This section is now redundant and no longer needed.
- *§ 51.2948 U.S. No. 1(a), § 51.2949 U.S. No. 2(a), and § 51.2950 U.S. No 3(a):* Subpart (1) was added to subpart (a) in each section to accommodate red walnuts.
- *§ 51.2951 Unclassified:* Removed and reserved. AMS is removing this section in all standards as they are revised, as it is no longer considered necessary.
- *§ 51.2954 Tolerances for grade defects:* Revised to include red walnuts.

The U.S. Standards for Grades of Shelled Walnuts and the U.S. Standards for Grades of Walnuts in the Shell will be effective 30 days after publication of this rule in the **Federal Register**.

List of Subjects in 7 CFR Part 51

Food grades and standards, Fruits, Nuts, Reporting and recordkeeping requirements, Vegetables.

For reasons set forth in the preamble, 7 CFR part 51 is amended as follows:

PART 51—[AMENDED]

■ 1. The authority citation for part 51 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

§ 51.2276 [Removed and reserved]

■ 2. Section 51.2276 is removed and reserved.

■ 3. In § 51.2277, paragraph (a) is revised to read as follows:

§ 51.2277 U.S. No. 1.

* * * * *

(a) Color shall be specified in connection with this grade in terms of ''extra light,'' ''light,'' ''light amber,'' or ''amber'' from the USDA Walnut Color Chart or in terms of ''red'' color. The color classifications in the USDA Walnut Color Chart shall not apply to ''red'' color. Furthermore, ''red'' color shall not be mixed with ''extra light,'' ''light,'' ''light amber,'' or ''amber'' colors. (See § 51.2281 and § 51.2282.)

* * * * *

■ 4. In § 51.2278, paragraph (a) is revised to read as follows:

§ 51.2278 U.S. Commercial.

* * * * *

(a) Color of walnuts based on the USDA Walnut Color Chart shall be not darker than the ''amber'' classification. There are no color requirements for ''red'' color. Color may be specified in connection with the grade in terms of one of the color classifications in the USDA Walnut Color Chart or ''red'' color. ''Red'' color shall not be mixed with ''extra light,'' ''light,'' ''light amber,'' or ''amber'' colors. (See § 51.2281 and § 51.2282.)

* * * * *

§ 51.2279 [Removed and reserved]

■ 5. Section 51.2279 is removed and reserved.

■ 6. Revise § 51.2281 to read as follows:

§ 51.2281 Color classifications.

The following classifications are provided to describe the color of any lot:

(a) ''Extra light,'' ''light,'' ''light amber,'' and ''amber:'' The portions of kernels in the lot shall be not darker than the darkest color permitted in the specified classification as shown on the USDA Walnut Color Chart.

(b) ''Red:'' There are no color requirements.

■ 7. In § 51.2282, Table II is amended by adding an entry for ''Red'' to the end of the table and by revising footnote 1 to read as follows:

§ 51.2282 Tolerances for color.

* * * * *

TABLE II

Color classification	Tolerances for color			
	Darker than extra light [1]	Darker than light [1]	Darker than light amber [1]	Darker than amber [1]
* * * *	*		*	*
Red				

[1] See illustration of this term on USDA Walnut Color Chart.

■ 8. Revise § 51.2283 to read as follows:

§ 51.2283 Off color.

The term ''off color'' is not a color classification, but shall be applied to any lot which fails to meet the requirements of the ''amber'' classification when applying the color classifications in the USDA Walnut Color Chart. Off color shall not be used for ''red'' color.

§ 51.2946 [Removed and reserved]

■ 9. Section 51.2946 is removed and reserved.

■ 10. In § 51.2948, paragraph (a) is revised to read as follows:

§ 51.2948 U.S. No. 1.

* * * * *

(a) Kernel color shall be specified in connection with this grade in terms of ''extra light,'' ''light,'' ''light amber,'' or ''amber'' from the USDA Walnut Color Chart or in terms of ''red'' color. The color classifications in the USDA Walnut Color Chart shall not apply to ''red'' color. Furthermore, ''red'' color shall not be mixed with ''extra light,'' ''light,'' ''light amber,'' or ''amber'' colors. When kernel color is based on the color classifications from the USDA Walnut Color Chart, at least 70 percent, by count, of the walnuts have kernels which are not darker than ''light amber,'' and which are free from grade defects: *Provided,* That at least four-sevenths of the above amount, or 40 percent of the walnuts have kernels which are not darker than ''light.'' Higher percentages of nuts with kernels not darker than ''light amber'' which are free from grade defects and/or higher percentages with kernels not darker than ''light'' which are free from grade defects, may be specified in accordance with the facts. (See § 51.2954.)

* * * * *

■ 11. In § 51.2949, paragraph (a) is revised to read as follows:

§ 51.2949 U.S. No. 2.

* * * * *

(a) Kernel color shall be specified in connection with this grade in terms of ''extra light,'' ''light,'' ''light amber,'' or ''amber'' from the USDA Walnut Color Chart or in terms of ''red'' color. The color classifications in the USDA Walnut Color Chart shall not apply to ''red'' color. Furthermore, ''red'' color shall not be mixed with ''extra light,'' ''light,'' ''light amber,'' or ''amber'' colors. When kernel color is based on the color classifications from the USDA Walnut Color Chart, at least 60 percent, by count, of the walnuts have kernels which are not darker than ''light amber,'' and which are free from grade defects. Higher percentages of nuts with kernels not darker than ''light amber'' which are free from grade defects, and/or percentages with kernels not darker than ''light'' which are free from grade defects, may be specified in accordance with the facts. (See § 51.2954.)

* * * * *

■ 12. In § 51.2950, paragraph (a) is revised to read as follows:

§ 51.2950 U.S. No. 3.

* * * * *

(a) Kernel color may be specified in connection with this grade in terms of ''light amber'' or ''light'' from the USDA Walnut Color Chart or in terms of ''red'' color. The color classifications in the USDA Walnut Color Chart shall not apply to ''red'' color. Furthermore, ''red'' color shall not be mixed with ''extra light,'' ''light,'' ''light amber,'' or ''amber'' colors. When kernel color is based on the color classifications from the USDA Walnut Color Chart, there is no requirement in this grade for the percentage of walnuts having kernels which are ''light amber'' or ''light.'' However, the percentage, by count, of nuts with kernels not darker than ''light amber'' which are free from grade defects and/or the percentage with kernels not darker than ''light'' which are free from grade defects, may be specified in accordance with the facts. (See § 51.2954.)

* * * * *

§ 51.2951 [Removed and reserved]

■ 13. Section 51.2951 is removed and reserved.

■ 14. In § 51.2954, the table is revised to read as follows:

§ 51.2954 Tolerances for grade defects.

* * * * *

TOLERANCES FOR GRADE DEFECTS

Grade	External (shell) defects	Internal (kernel) defects	Kernel color based on USDA Walnut Color Chart	Kernel color based on red
U.S. No. 1	10%, by count, for splits. 5%, by count, for other shell defects, including not more than 3% seriously damaged.	10% total, by count, including not more than 6% which are damaged by mold or insects or seriously damaged by other means, of which not more than 5/8 or 5% may be damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects.	No tolerance to reduce the required 70% of ''light amber'' kernels or the required 40% of ''light'' kernels or any larger percentage of ''light amber'' or ''light'' kernels specified.	
U.S. No. 2	10%, by count, for splits. 10%, by count, for other shell defects, including not more than 5% serious damage by adhering hulls.	15% total, by count, including not more than 8% which are damaged by mold or insects or seriously damaged by other means, of which not more than 5/8 or 5% may be damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects.	No tolerance to reduce the required 60% or any specified larger percentage of ''light amber'' kernels, or any specified percentage of ''light'' kernels.	
U.S. No. 3	Same as above tolerance for U.S. No. 2.	Same as above tolerance for U.S. No. 2	No tolerance to reduce any percentage of ''light amber'' or ''light'' kernel specified.	

Dated: August 16, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–17641 Filed 8–21–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

[Document Number AMS–FV–08–0076; SC–17–330]

United States Standards for Grades of Frozen Onions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final notification.

SUMMARY: The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) is establishing voluntary United States Standards for Grades of Frozen Onions. The grade standards provide a common language for trade, a means of measuring value in the marketing of frozen onions, and guidance on the effective use of frozen onions.

DATES: *Effective Date:* September 21, 2017.

FOR FURTHER INFORMATION CONTACT: Contact Brian E. Griffin, Agricultural Marketing Specialist, Specialty Crops Inspection Division, Specialty Crops Program, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Room 1536, South Building; STOP 0240, Washington, DC 20250; telephone (202) 720–5021; fax (202) 690–1527; or, email *brian.griffin@ams.usda.gov.* Copies of the new U.S. Standards for Grades of Frozen Onions are available at *http://www.regulations.gov* or *http://www.ams.usda.gov/.*

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946 (Act) (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 grade standards available upon request. The United States Standards for Grades of Fruits and Vegetables unrelated to 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 at *https://www.ams.usda.gov/grades-standards.*

AMS is establishing the U.S. Standards for Grades of Frozen Onions using the procedures in part 36, Title 7 of the Code of Federal Regulations (7 CFR part 36).

Background: The American Frozen Food Institute (AFFI) petitioned AMS to develop new grade standards for frozen onions. AFFI is a national trade association representing the interests of U.S. frozen food processors and their suppliers in all frozen food sectors, including processors and packers of frozen onions. AFFI's more than 500 member companies represent approximately 90 percent of all frozen food processed annually in the United States. The AFFI petition provided information on product styles, sample sizes, and a product description for use in the grade standards.

AMS asked the petitioner for various styles of samples in order to determine grades of frozen onions. AMS distributed several discussion drafts of proposed standards to AFFI, instituted changes to the drafts once agreement was reached, then published several **Federal Register** documents in order to receive comments from all interested parties (see 66 FR 21116, 68 FR 11801, 68 FR 27010, 76 FR 31575, 81 FR 84506, and 82 FR 12424).

Comments

In the most recent comments published November 23, 2016, in 81 FR 84506, and extended comment period published March 3, 2017, in 82 FR 12424, AMS received 19 comments. All comments received were from the general public. Three commenters stated they did not feel there was a need for Government grades of frozen onions. AMS developed the proposed U.S. Standards for Grades of Frozen Onions at the request of, and in cooperation with, the frozen food industry. The U.S.

Standards for Grades of Frozen Onions are voluntary standards for grades of quality and condition, and are not Government mandated for general use. The remaining 16 comments received were in agreement with the proposed standard. Comments may be viewed at *www.regulations.gov.*

These standards establish the grade levels ''A,'' ''B,'' and ''Substandard,'' as well as Acceptable Quality Levels (AQL) tolerances and acceptance numbers for each quality factor as defined for each grade level.

AMS used the standard format for U.S. standards for grades using ''individual attributes.'' Specifically, the grade standards provide tolerance limits for defects; acceptance numbers of allowable defects with single letter grade designation based on a specified number or weight of sample units; a product description for frozen onions; and, style designations for ''whole,'' ''strips,'' ''diced,'' and ''other'' styles. The standard also defines quality factors, AQLs, and tolerances for defects in frozen onions, and determines sample unit sizes for this commodity. The grade of a sample unit of frozen onions will be ascertained considering the factors of varietal characteristics, color, flavor and odor, appearance, absence of grit or dirt, defects, and character.

The official grade of a lot of frozen onions covered by these standards will be determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Products Thereof, and Certain Other Processed Food Products (7 CFR part 52 through 52.83).

The new U.S. Standards for Grades of Frozen Onions provide a common language for trade and reflect the current marketing of frozen onions. The standards will be effective 30 days after the date of publication in the **Federal Register**.

Authority: 7 U.S.C. 1621–1627.

Dated: August 16, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–17642 Filed 8–21–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

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

[Docket No. FSIS–2017–0039]

Educational Meeting on the Mandatory Inspection of Fish of the Order Siluriformes and Products Derived From Such Fish Final Rule Implementation

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notification of educational meeting.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing an educational meeting to discuss the enforcement and implementation of the Final Rule, ''Mandatory Inspection of Fish of the Order Siluriformes and Products Derived from Such Fish.'' Fish of the order Siluriformes include fish of several families, including catfish (fish of the family Ictaluridae), basa, tra, and swai (fish of the family Pangasiidae), and clarias (fish of the Clariidae family). FSIS will present information on the upcoming full implementation of the regulatory requirements at official domestic establishments that process Siluriformes fish and fish products, as well as information on entry procedures and reinspection at official import inspection establishments. FSIS is particularly interested in soliciting participation from representatives from domestic wild-caught operations that process Siluriformes fish and fish products.

The primary objectives of the meeting are to provide updated information to stakeholders and to encourage dialogue between FSIS and the Siluriformes fish industry. Affected industry and interested individuals, organizations, and other stakeholders are invited to participate in the meeting.

DATES: The meeting will be held in Webster, FL on Friday, August 25, 2017; 10:00 a.m.–4:00 p.m. ET, at the Florida Bass Conservation Center, 3583 CR 788, in Webster, FL. For directions and parking instructions, please visit: *http://myfwc.com/media/244914/FBCC_rack_card08.pdf.*

FOR FURTHER INFORMATION CONTACT: Evelyn Arce, Outreach and Partnership Division, Office of Outreach, Employee Education and Training, FSIS, 1400 Independence Ave. SW., Mail Stop 3778, Washington, DC 20250; Telephone: (202) 418–8903; Fax: (202) 690–6519; Email: *Evelyn.Arce@fsis.usda.gov,* regarding additional information about this meeting or to arrange for special accommodations.

Questions regarding the mandatory inspection of fish of the order Siluriformes and products derived from such fish may be directed to *AskFish@fsis.usda.gov.*

SUPPLEMENTARY INFORMATION: Further information on these meetings will be posted on FSIS Web site at: *https://www.fsis.usda.gov/wps/portal/fsis/newsroom/meetings* and through the *FSIS Constituent Update.*

The final rule may be accessed from the FSIS Web site at: *http://www.fsis.usda.gov/wps/portal/fsis/topics/regulations/federal-register/interim-and-final-rules.* Registration: To pre-register for the meeting, please go to *http://www.fsis.usda.gov/wps/portal/fsis/newsroom/meetings.*

Background

On December 2, 2015, FSIS published the final rule to establish a mandatory inspection program for fish of the order Siluriformes and products derived from these fish (80 FR 75590). The final rule and other resources and information on Siluriformes fish can be found on the FSIS ''Inspection Program for Siluriformes Fish, Including Catfish'' Web page: *https://www.fsis.usda.gov/wps/portal/fsis/topics/inspection/siluriformes.*

The final rule was effective March 1, 2016; however, the Agency provided an 18-month transitional period until September 1, 2017, to give domestic establishments time to prepare and comply with the final regulations. The transitional period also provided foreign countries with time to submit the documentation necessary to continue exporting Siluriformes fish and fish products to the United States and to show that they have equivalent inspection systems.

FSIS began inspecting domestic establishments on March 1, 2016, and began selecting imported Siluriformes fish shipments for reinspection on April 15, 2016. During the transitional period, FSIS inspection personnel have exercised broad discretion in enforcing the regulatory requirements, focusing primarily on preventing adulterated or misbranded Siluriformes fish and fish products from entering commerce.

On August 2, 2017, to abide with direction from Congress, FSIS began reinspecting all imported Siluriformes fish and fish products. Specifically, the explanatory statement accompanying the Consolidated Appropriations Act, 2017, Public Law 115–31 Stat. 135, enacted May 5, 2017, directed FSIS to

immediately begin reinspecting all imported Siluriformes fish and fish product shipments *https://www.congress.gov/crec/2017/05/03/CREC-2017-05-03-bk2.pdf*). FSIS announced its intention to begin this reinspection in a **Federal Register** notice on July 3, 2017 (''Import Reinspection of Fish of the Order Siluriformes'' (82 FR 30721)).

FSIS held a series of domestic and import educational meetings when the final rule initially published in December 2015. More recently, in June and July 2017, FSIS held additional educational meetings in Richmond, VA, and Baltimore, MD. Another educational meeting is scheduled for August 24, 2017, in Memphis, TN. FSIS has gained significant insight into the domestic and importing Siluriformes fish industries during the transitional period.

FSIS is announcing this educational meeting to provide updates regarding full implementation of the regulatory requirements and to exchange information with operations that process wild-caught Siluriformes fish and fish products, and thus encourages representatives and parties involved in this industry to attend the educational meetings. The Agency is particularly interested in gaining additional insight into how the wild-caught Siluriformes fish arrive at processing facilities, where the wild-caught Siluriformes fish are sourced, daily production volume information for these facilities, and where the final Siluriformes fish and fish products are being sold or distributed after processing.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

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Send your completed complaint form or letter to USDA by mail, fax, or email: Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410, Fax: (202) 690–7442, Email: *program.intake@usda.gov.*

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

Done at Washington, DC, on: August 17, 2017.

Paul Kiecker,

Acting Administrator.

[FR Doc. 2017–17757 Filed 8–21–17; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No.: FAA–2016–9154; Amdt. No. 91–348]

RIN 2120–AK88

Incorporation by Reference of ICAO Annex 2; Removal of Outdated North Atlantic Minimum Navigation Performance Specifications

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule better aligns FAA regulations regarding the North Atlantic (NAT) Minimum Navigation Performance Specifications (MNPS) with the relevant International Civil Aviation Organization (ICAO) standards. The ICAO NAT Region is transitioning from the decades-old MNPS navigation specification to a more modern, Performance-Based Navigation (PBN) specification. This rule also incorporates by reference the current version of Annex 2 (''Rules of the Air'') to the Convention on International Civil Aviation (the ''Chicago Convention''), hereinafter referred to as ''ICAO Annex 2,'' in the FAA's regulations.

DATES: This regulation is effective October 23, 2017. The incorporation by reference of the publication listed in the rule is approved by the Director of the Federal Register as of October 23, 2017.

ADDRESSES: For information on where to obtain copies of rulemaking documents and other information related to this final rule, see ''How To Obtain Additional Information'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Kevin C. Kelley, Flight Technologies Division, Flight Standards Service, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–8854; email *Kevin.C.Kelley@faa.gov.* For questions about ICAO Annex 2, contact the FAA's Office of International Affairs at (202) 267–1000.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA is responsible for the safety of flight in the U.S. and for the safety of U.S. civil operators, U.S.-registered civil aircraft, and U.S.-certificated airmen throughout the world. The FAA's authority to issue rules on aviation safety is found in title 49 United States Code (U.S.C.). Subtitle I,

Section 106(f) and (g), describe the authority of the FAA Administrator. Subtitle VII of title 49, Aviation Programs, describes in more detail the scope of the agency's authority. Section 40101(d)(1) provides that the Administrator shall consider in the public interest, among other matters, assigning, maintaining, and enhancing safety and security as the highest priorities in air commerce. Section 40105(b)(1)(A) requires the Administrator to exercise his authority consistently with the obligations of the U.S. Government under international agreements.

This rule is promulgated under the authority described in title 49, subtitle VII, part A, subpart III, section 44701, General requirements. Under that section, the FAA is charged broadly with promoting safe flight of civil aircraft in air commerce by prescribing, among other things, regulations and minimum standards for practices, methods, and procedures that the Administrator finds necessary for safety in air commerce and national security.

This rule is also promulgated pursuant to title 49 U.S.C. 40103(b)(1) and (2), which charge the FAA with issuing regulations: (1) To ensure the safety of aircraft and the efficient use of airspace; and (2) to govern the flight of aircraft for purposes of navigating, protecting and identifying aircraft, and protecting individuals and property on the ground.

This regulation is within the scope of FAA's authority under the statutes cited above, because it amends 14 CFR 91.703, 91.705, 91.905, and 91.1027 and Appendices C and G to part 91, to better align FAA regulations with changes to international standards for operations in airspace over the high seas. This rule also incorporates by reference the current version of ICAO Annex 2 in FAA regulations.

I. Background

A. Summary of the NPRM

On September 29, 2016, the FAA published an NPRM (81 FR 66877) in which it proposed several amendments to part 91 to improve the alignment between FAA regulations and ICAO standards relevant to operations over the North Atlantic and in other airspace over the high seas. As a result of ICAO renaming the NAT MNPS airspace as the NAT High Level Airspace (NAT HLA) and requiring PBN specifications to operate in NAT HLA by January 2020, the references to NAT MNPS in FAA regulations are outdated. Accordingly, the FAA proposed to remove all instances of MNPS in 14 CFR part 91.

In the NPRM, the FAA also stated that the prescriptive references to navigational specifications in part 91 were not necessary, since operators are required to comply with ICAO Annex 2, when operating over the high seas. Article 12 of the Chicago Convention states, in pertinent part, ''Over the high seas, the rules in force [with respect to the flight and maneuver of aircraft] shall be those established under this Convention.'' The Foreword to ICAO Annex 2 further states that the ICAO ''. . . Council resolved, in adopting Annex 2 in April 1948 and Amendment 1 to the said Annex in November 1951, that the Annex constitutes [r]ules relating to the flight and [maneuver] of aircraft within the meaning of Article 12 of the [Chicago] Convention.'' The Foreword to ICAO Annex 2 further states that, ''[o]ver the high seas, therefore, these rules apply without exception.'' The international standard in ICAO Annex 2, paragraph 5.1.1, states that: ''Aircraft shall be equipped with suitable instruments and with navigation equipment appropriate to the route to be flown.''

In the NPRM, the FAA also proposed to incorporate by reference the current version of ICAO Annex 2.

II. Discussion of Public Comments and Final Rule

A. Comments and Final Rule

The FAA did not receive any comments on the NPRM. With this final rule, the FAA adopts the changes as proposed, except as follows. First, in § 91.703, the name of the relevant ICAO unit, the name of the street on which the unit is located, the address of the unit's Web site, and the address of the National Archives and Records Administration (NARA) Web site where information about material incorporated by reference into Federal regulations can be found have all been updated in the final rule to reflect current information. Second, the FAA neglected to include the relevant ICAO unit's telephone number and email address, as well as the agency phone number for questions from the public regarding ICAO Annex 2, in the NPRM and includes them in this final rule. Third, in the NPRM, the FAA also proposed to remove, but inadvertently neglected to propose to reserve for future use, § 91.705 and Appendix C to part 91. The FAA reserves for future use § 91.705 and Appendix C to part 91 in this final rule. These are minor technical changes that have no substantive effect on regulated entities. Except as described in this paragraph, explanations for the changes to §§ 91.703, 91.705, and 91.1027 and Appendices C and G to part 91 are contained in the NPRM.

Further, in preparing the final rule, the FAA also discovered that it had not proposed to remove the reference to ''91.705 Operations within the North Atlantic Minimum Navigation Performance Specifications Airspace'' from the list of rules subject to waiver in § 91.905 although the NPRM proposed to remove, and this final rule does remove, § 91.705 from the CFR. Consequently, removing the reference to § 91.705 from the list of rules subject to waiver in § 91.905 has no substantive effect on regulated entities. The FAA removes the reference to § 91.705 from § 91.905 in this final rule.

B. Incorporation by Reference

As part of the changes proposed in the NPRM, the FAA proposed to incorporate by reference the current version of ICAO Annex 2, up to and including Amendment 45, applicable on November 10, 2016. ICAO Annex 2 contains the ICAO standards that make up the rules of the air applicable to the flight and maneuver of civil aircraft operating over the high seas. ICAO Annex 2, including all amendments through Amendment 32, was incorporated by reference into § 91.703, effective April 9, 1997 (62 FR 17480, Apr. 9, 1997). Since then, an additional thirteen amendments to ICAO Annex 2 have been published, creating an ambiguity about the version of ICAO Annex 2 applicable to operators of U.S.-registered civil aircraft in high seas airspace. The amendments to ICAO Annex 2 since the previous incorporation by reference are described in Table 1 in the NPRM (81 FR at 66878).

The FAA noted in the proposed rule that the incorporation by reference of ICAO Annex 2 in § 91.703 did not include the proper language conveying the approval of the Director of the Federal Register. The FAA proposed to incorporate by reference the current version of ICAO Annex 2, including appropriate language to reflect the approval of the Director of the Federal Register. This final rule incorporates by reference ICAO Annex 2, up to and including Amendment 45, applicable on November 10, 2016, into § 91.703.

ICAO Annex 2 is available through the International Civil Aviation Organization (ICAO), Marketing and Customer Relations Unit, 999 Robert Bourassa Boulevard, Montreal, Quebec H3C 5H7, Canada. Also, you may obtain this document on the Internet at *http://store1.icao.int/* or by contacting the ICAO Marketing and Customer Relations Unit by telephone at (514)

954–8022 or by email at *sales@icao.int.* It is also available for inspection at the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

III. Regulatory Notices and Analyses

A. Regulatory Evaluation

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 and Executive Order 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Agreements Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this final rule.

Department of Transportation Order DOT 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If the expected cost impact is so minimal that a proposed or final rule does not warrant a full evaluation, this order permits that a statement to that effect and the basis for it be included in the preamble if a full regulatory evaluation of the cost and benefits is not prepared. Such a determination has been made for this rule. The reasoning for this determination follows.

This rulemaking better aligns the FAA's regulations regarding operations in NAT airspace with the relevant ICAO standards. ICAO's NAT Region is transitioning from the decades-old MNPS navigation specification to a more modern, PBN specification. The FAA is also incorporating by reference the current version of ICAO Annex 2 in § 91.703. This action removes all references to MNPS from 14 CFR part 91 and will not impose any new requirements.

Under the Chicago Convention, flights operating in international airspace over the high seas must follow the international standards set forth in ICAO Annex 2. United States operators have historically complied with provisions relevant to high seas airspace in ICAO Annex 2. As operators are already complying with ICAO's provisions relevant to operations over the high seas, the FAA believes this rule removing references to MNPS from 14 CFR part 91 and incorporating by reference the current version of ICAO Annex 2 will impose minimal cost. The FAA requested comments on this determination and received none. Therefore, the FAA maintains that this final rule will impose only minimal cost, has determined that this rule is not a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866, and is not ''significant'' as defined in DOT's Regulatory Policies and Procedures.

B. Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation.'' To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration.'' The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

The FAA recognizes that there are substantial numbers of small entities operating aircraft over the high seas. This rule, however, does not impose a significant economic impact. Flights in international airspace over the high seas must follow the international standards set forth in ICAO Annex 2. Today, United States operators comply with ICAO Annex 2 when flying over the high seas. This rule updates United States regulations to better align with the current version of ICAO Annex 2 effective in high seas airspace, and imposes no new requirements. Thus, all affected entities will incur only minimal costs. The FAA requested and received no comment on the proposed minimal cost determination, and therefore maintains the same minimal cost determination for the final rule.

Therefore, as provided in section 605(b), the head of the FAA certifies that this rulemaking will not result in a significant economic impact on a substantial number of small entities.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effect of this rule and determined that it improves alignment between FAA regulations and international ICAO standards for the purpose of protecting safety. Consequently, the rule complies with the Trade Agreements Act, as amended by the Uruguay Round Agreements Act.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the

aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $155 million in lieu of $100 million. This rule does not contain such a mandate; therefore, the requirements of Title II of the Act do not apply.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there is no new requirement for information collection associated with this final rule.

F. International Compatibility

In keeping with U.S. obligations under the Chicago Convention, it is FAA policy to conform to ICAO Standards and Recommended Practices to the maximum extent practicable. The FAA has published differences with ICAO Annex 2 in the United States Aeronautical Information Publication (AIP), section GEN 1.7, ''Differences From ICAO Standards, Recommended Practices, and Procedures.'' The differences listed in the U.S. AIP for ICAO Annex 2 are minor in nature and have no relation to the ICAO Annex 2 requirement for aircraft to be operated with navigation equipment appropriate to the route to be flown. This is consistent with the FAA's support of international compatibility and its obligations under the Chicago Convention.

G. Environmental Analysis

FAA Order 1050.1F identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 5–6.6 and involves no extraordinary circumstances.

IV. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. The agency determined that this action will not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, does not have Federalism implications.

B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that this rule is not a ''significant energy action'' under the executive order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

C. Executive Order 13609, International Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, (77 FR 26413, May 4, 2012) promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policy and agency responsibilities of Executive Order 13609, Promoting International Regulatory Cooperation and has determined that it will support international regulatory cooperation. This rule removes potential ambiguities about the version of ICAO Annex 2 applicable to the operations of U.S.-registered civil aircraft over the high seas. ICAO Annex 2 contains the international standards applicable to civil aircraft operations over the high seas. This rule also removes outdated references to MNPS, consistent with ICAO's transition to PBN specifications for operations in the NAT HLA.

D. Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs

Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, directs that, unless prohibited by law, whenever an executive department or agency publicly proposes for notice and comment or otherwise promulgates a new regulation, it shall identify at least two existing regulations to be repealed. In addition, any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs. Only those rules deemed significant under section 3(f) of Executive Order 12866, ''Regulatory Planning and Review,'' are subject to these requirements. As determined in Section IV.A., above, this is not a significant rule under Executive Order 12866. Accordingly, this rule is not subject to the requirements of Executive Order 13771.

V. How To Obtain Additional Information

A. Rulemaking Documents

An electronic copy of a rulemaking document may be obtained by using the Internet—

1. Search the Federal eRulemaking Portal (*http://www.regulations.gov*);

2. Visit the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies/* or

3. Access the Government Publishing Office's Web page at *http://www.gpo.gov/fdsys/.*

Copies may also be obtained by sending a request (identified by notice, amendment, or docket number of this rulemaking) to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680.

B. Comments Submitted to the Docket

Although the FAA has not received any comments on the proposed rule, any comments submitted to the docket for this rulemaking in the future may be viewed by going to *http://www.regulations.gov* and following the online instructions to search the docket number for this action. Anyone is able to search the electronic form of all comments received into any of the FAA's dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.).

C. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document, may contact its local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the Internet, visit *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects in 14 CFR Part 91

Air carrier, Air taxis, Air traffic control, Aircraft, Airmen, Aviation safety, Incorporation by reference.

The Amendment

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

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 1155, 40101, 40103, 40105, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, 47534, Pub. L. 114–190, 130 Stat. 615 (49 U.S.C. 44703 note); articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180), (126 Stat. 11).

■ 2. Amend § 91.703 as follows:

■ a. Amend paragraphs (a)(1) and (3) by removing the word ''annex'' and adding, in its place, the word ''Annex'';

■ b. Remove the first sentence of paragraph (a)(4); and

■ c. Revise paragraph (b) to read as follows:

§ 91.703 Operations of civil aircraft of U.S. registry outside of the United States.

* * * * *

(b) Annex 2 to the Convention on International Civil Aviation, Rules of the Air, Tenth Edition—July 2005, with Amendments through Amendment 45, applicable November 10, 2016, is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the FAA must publish a document in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590 and is available from the International Civil Aviation Organization (ICAO), Marketing and Customer Relations Unit, 999 Robert Bourassa Boulevard, Montreal, Quebec H3C 5H7, Canada; *http://store1.icao.int/;* or by contacting the ICAO Marketing and Customer Relations Unit by telephone at 514–954–8022 or by email at *sales@icao.int.* For questions about ICAO Annex 2, contact the FAA's Office of International Affairs at (202) 267–1000. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

§ 91.705 [Removed and Reserved]

■ 3. Remove and reserve § 91.705.

§ 91.905 [Amended]

■ 4. Amend § 91.905 by removing ''91.705 Operations within the North Atlantic Minimum Navigation Performance Specifications Airspace.''

§ 91.1027 [Amended]

■ 5. Amend § 91.1027(a)(2) by removing ''MNPS,''.

Appendix C to Part 91—[Removed and Reserved]

■ 6. Remove and reserve Appendix C to part 91.

■ 7. Amend Appendix G to part 91 by revising paragraph (a)(2) of section 8 to read as follows:

Appendix G to Part 91—Operations in Reduced Vertical Separation Minimum (RVSM) Airspace

* * * * *

Section 8. Airspace Designation

(a) * * *

(2) RVSM may be effective in the High Level Airspace (HLA) within the NAT. The HLA within the NAT is defined by the volume of airspace between FL 285 and FL 420 (inclusive) extending between latitude 27 degrees north and the North Pole, bounded in the east by the eastern boundaries of control areas Santa Maria Oceanic, Shanwick Oceanic, and Reykjavik Oceanic and in the west by the western boundaries of control areas Reykjavik Oceanic, Gander Oceanic, and New York Oceanic, excluding the areas west of 60 degrees west and south of 38 degrees 30 minutes north.

* * * * *

Issued under authority provided by 49 U.S.C. 106(f) and (g), 40101(d)(1), 40103(b)(1) and (2), 40105(b)(1)(A), and 44701(a)(5) in Washington, DC, on July 18, 2017.

Michael Huerta,

Administrator.

[FR Doc. 2017–17674 Filed 8–21–17; 8:45 am]

BILLING CODE 4910–13–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Docket No. SSA–2006–0140]

RIN 0960–AF35

Revised Medical Criteria for Evaluating Neurological Disorders; Correction

AGENCY: Social Security Administration.

ACTION: Correcting amendment.

SUMMARY: We published final rules in the **Federal Register** on July 1, 2016, that revised the Listing of Impairments (Listings) for the neurological body system. That document inadvertently omitted a reference. This document amends and corrects the final rule.

DATES: This rule is effective August 22, 2017.

FOR FURTHER INFORMATION CONTACT: Cheryl A. Williams, Office of Disability Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, (410) 965–1020. For information on eligibility or filing for benefits, call our national toll-free number 1–800–772–1213, or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION: On July 1, 2016, we published in the **Federal Register** the final rule, ''Revised Medical Criteria for Evaluating Neurological Disorders.'' (81 FR 43048). In appendix 1 to subpart P, the body system listing 11.00 Neurological Disorders, we inadvertently omitted a reference to 11.02D from 11.00H4 of the introductory text. The text in 11.02D on dyscognitive seizures refers to 11.00H4 (81 FR at 43056). However, the text of 11.00H4 only referenced 11.02A, B, and C (81 FR at 43054). This correction adds the missing reference to 11.02D to 11.00H4 and creates no change in policy.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security— Retirement Insurance; 96.004, Social Security—Survivors Insurance; and 96.006, Supplemental Security Income).

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-age, Survivors, and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

Nancy A. Berryhill,

Acting Commissioner of Social Security.

For the reasons set out in the preamble, we are amending 20 CFR part 404, subpart P as set forth below:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

Subpart P—Determining Disability and Blindness

■ 1. The authority citation for subpart P of part 404 continues to read as follows:

Authority: Secs. 202, 205(a)–(b) and (d)–(h), 216(i), 221(a) and (h)–(j), 222(c), 223, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 405(a)–(b) and (d)–(h), 416(i), 421(a), (i), and (j), 422(c), 423, 425, and

902(a)(5)); sec. 211(b), Pub. L. 104–193, 110 Stat. 2105, 2189; sec. 202, Pub. L. 108–203, 118 Stat. 509 (42 U.S.C. 902 note).

■ 2. Amend appendix 1 to subpart P of part 404, by revising the first sentence of 11.00H4 to read as follows:

Appendix 1 to Subpart P of Part 404—Listing of Impairments

* * * * *

11.00 NEUROLOGICAL DISORDERS

* * * * *

H. * * *

■ 4. *Counting seizures.* The period specified in 11.02A, B, C, or D cannot begin earlier than one month after you began prescribed treatment. * * *

* * * * *

[FR Doc. 2017–17724 Filed 8–21–17; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0778]

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Indian River, Titusville, FL

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 NASA Railroad Bridge (Jay Jay Bridge) across the Atlantic Intracoastal Waterway (Indian River), mile 876.6, Titusville, Florida. The deviation is necessary to allow the bridge owner, National Aeronautics and Space Administration (NASA) to repair the bridge. Due to the type of repairs this bridge will be required to remain closed to navigation periodically throughout the day. This deviation is deemed necessary for the continued safe operation of the bridge.

DATES: This deviation is effective without actual notice from August 22, 2017 through 4 p.m. on September 26, 2017. For the purposes of enforcement, actual notice will be used from August 17, 2017 at 8 a.m. until August 22, 2017.

ADDRESSES: The docket for this deviation, USCG–2017–0778 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 LT Allan Storm, U.S. Coast Guard Sector Jacksonville, Waterways Management Division; telephone 904–714–7557, email *Allan.H.Storm@uscg.mil.*

SUPPLEMENTARY INFORMATION: NASA requested a temporary deviation from the operating schedule that governs the NASA Railroad Bridge (Jay Jay Bridge), Atlantic Intracoastal Waterway (Indian River), mile 876.6, Titusville, Florida. The bridge is a single leaf bascule railroad bridge with a seven foot vertical clearance in the closed position. The normal operating schedule for the bridge is found in 33 CFR 117.261(j).

The deviation period is from 8 a.m. on August 17, 2017 to 4 p.m. on September 26, 2017. During this period, the bridge is allowed to remain closed to navigation from 8 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday.

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

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

Dated: August 17, 2017.

Barry L. Dragon,

Director, Bridge Branch, Seventh Coast Guard District.

[FR Doc. 2017–17707 Filed 8–21–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0051]

RIN 1625–AA00

Safety Zones; Ice Covered Waterways in the Fifth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing 11 safety zones on certain navigable waters of the Fifth Coast Guard District. This action is necessary to promote navigational safety, provide for the safety of life and property, and facilitate the reasonable demands of commerce where a threat to navigation exists due to ice covered waterways. This rule is intended to mitigate the potential threat ice poses to the maritime public in the Fifth Coast Guard District by implementing control measures on vessels operating in certain ice covered waterways.

DATES: This rule is effective September 21, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2015–0051 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Doug Simpson, Fifth Coast Guard District, U.S. Coast Guard; telephone 757–398–6346, email *douglas.c.simpson@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
RNA Regulated Navigation Area
SNPRM Supplemental Notice of Proposed Rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On July 9, 2015, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Regulated Navigation Area; Ice Covered Waterways in the Fifth Coast Guard District (80 FR 39403). The purpose of that proposed regulated navigation area (RNA) was to mitigate the aforementioned potential threat ice poses to the maritime public in the Fifth Coast Guard District by implementing control measures on vessels of certain characteristics. We invited comments on our proposed regulatory action related to that RNA. During the comment period that ended October 7, 2015, we received a total of six comments coming from six submitters. No public meeting was requested, and none was held.

Based on consideration of the comments received in response to the NPRM and further analysis, the Coast Guard proposed to establish 11 safety

zones on certain navigable waters of the Fifth Coast Guard District instead of 1 RNA. On February 9, 2017, the Coast Guard published an SNPRM titled Safety Zones; Ice Covered Waterways in the Fifth Coast Guard District (82 FR 9978). There we stated why we issued the SNPRM, replied to the comments received in response to the NPRM, and invited comments on the proposed regulatory action. During the comment period on the SNPRM that ended April 10, 2017, we received a total of 11 comments coming from four submitters. No public meeting was requested, and none was held.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Coast Guard has determined that during an average or severe winter, the presence of ice in waterways presents numerous hazards to vessels. Such hazards include vessels becoming beset or dragged off course, sinking or grounding and creating hazards to navigation. The presence of ice in a waterway may hamper a vessel's ability to maneuver and impose additional loads on a vessel's hull, propulsion system and appendages. Blockage of sea suctions can cause the main engine cooling system to overheat, requiring reduced power to be used or the engine to be shut down completely. Visual aids to navigation may become submerged, destroyed, or moved off station, potentially misleading the vessel operator to unsafe waters. Vessels operating in these hazardous conditions could introduce a clear and present danger to the maritime public and environment. The purpose of this rule is to mitigate the potential threat ice poses to the maritime public in the Fifth Coast Guard District by implementing control measures on vessels operating in certain ice covered waterways.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received 11 comments from four submitters on our SNPRM published February 9, 2017. One comment was generally supportive of the rule.

In response to one comment, we changed the regulatory text that defined the New Jersey Intracoastal Waterway to clarify the safety zone's northern boundaries. The safety zone's northern boundary uses the Fifth Coast Guard District's boundary as defined in 33 CFR 80.501(b)–(c) and 80.502. We changed the rule to define a position for the entrance to Manasquan Inlet. We also changed the rule to define the southern boundary of the zone at Cape May Inlet, Cape May, NJ as it is defined in 33 CFR 80.502 (g). We did not define the width of safety zone in areas where the New Jersey Intracoastal Waterway passes through open water areas, as the commenter requested. However, we changed the regulatory text to explicitly include the navigable waters Manasquan River at its tributaries, Metedeconk River and its tributaries, Toms River and Barnegat Bay and its tributaries, Mahahawkin Bay, Little Egg Harbor, Great Bay to Absecon Bay, Lakes Bay, Great Egg Harbor Bay, Peck Bay, Ludlam Bay, Townsend Sound, Stites Sound, Great Sound, Grassy Sound, Taylor Sound, Sunset Lake, Jarvis Sound and Cape May Harbor. The comment also requested we provide the horizontal Datum. We used NAD 83 and changed the regulatory text of each safety zone to incorporate that reference.

Two comments requested that the Coast Guard provide positions for the bridges that serve as boundaries for the Delaware River, Upper Delaware River, Baltimore Harbor and approaches, Chesapeake Channel to Cove Point, Chesapeake Channel between Cove Point and Smith Point, and Lower Potomac River, Potomac River, and the Upper Potomac River and Anacostia River zones. As a result, these positions were provided in the regulatory text where practical. The Coast Guard determined the positions by plotting the locations on National Oceanic and Atmospheric Administration (NOAA) nautical charts for the following bridges: Betsy Ross (state route 90) fixed highway bridge, Trenton—Morrisville (state route 1) highway bridge, Governor Harry W. Nice (US–301) Memorial Bridge, Woodrow Wilson Memorial (I–95/I–495) Bridge, the Francis Scott Key (US–29) Bridge, and the John Philip Sousa (Pennsylvania Avenue SE) Bridge. The William P. Lane, Jr (US–50/301) Memorial Bridge is curved, and we find it impractical to sufficiently define this boundary using latitude and longitude in this rule. Instead, the southern boundary of the Baltimore Harbor and approaches safety zone and the northern boundary of the Chesapeake Channel to Cove Point safety zone were changed to the southernmost edge of the east-bound span of the of the William P. Lane, Jr (US–50/301) Memorial Bridge.

One comment requested that we describe the end and turning points of all the lines that run along the latitude parallel to another location. We changed the regulatory text of the following safety zones: Chesapeake Channel to Cove Point: Provided positions for the eastern and western extent of the southern boundary; Chesapeake Channel between Cove Point and Smith Point, and Lower Potomac: Provided positions for the eastern and western extent of the northern boundary, and the positions defining southern boundary across the Chesapeake Bay and Tangier Sound; Upper Potomac River and Anacostia River: Provided position for Hains Point; Chesapeake Bay and Tangier Sound: the positions defining the eastern and western extent of the northern boundary across the Chesapeake Bay and Tangier Sound and the eastern and western extent of the southern boundary along latitude 37°45′00.0″ N.

One comment proposed additional smaller zones, with the desire to minimize restriction in portions of the zones that are not impacted by ice. The Coast Guard does not agree with the addition of the proposed zones because the operational complexity and feasibility of enacting those zones is counter to public interest due to the significant amount of time it would take to effectively manage compliance. However, to address the comments, we changed the regulatory text in § 165.550(d)(1) to allow each COTP to set ice conditions for any zone in this rule, or a portion thereof. The COTP may choose not to activate an entire zone if the ice prevalence and thickness is limited in such a way it would be too burdensome to activate the entire zone.

The same commenter stated that there are no provisions for Maryland Department of Natural Resources to request or obtain a waiver from the COTP for icebreaking operations. We changed the rule's definition of public vessels in response to this comment to mean vessels owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commercial service. Because this definition includes vessels engaged in law enforcement, we removed ''engaged in law enforcement'' from paragraph (d)(1).

An anonymous comment asserted that the Coast Guard did not evaluate the impact of a ''business as usual approach'' as an alternative to this rule. We do not agree with this assertion because the existing means by which the Coast Guard restricted vessel operations in ice covered waterways was specifically addressed in the NPRM and SNPRM (82 FR 9978). As stated in the SNPRM, permanent safety zones are the most appropriate from a regulatory perspective and will ensure consistency throughout the Fifth Coast Guard District. Furthermore, as stated in the SNPRM, the Coast Guard finds relying

solely on the authority provided by 33 CFR part 6 is not feasible when ice presents hazardous conditions. Sole reliance on this authority involving the protection and security of vessels, harbors, and waterfront facilities would require the COTP to take individual action against every vessel desiring to operate in the area, which is counter to public interest due to the significant amount of time it would take to issue and administer an effective amount of orders.

The same anonymous commenter stated that the Coast Guard did not adequately address ''biophysical impacts,'' details of the ''obvious cultural and social impacts'' to recreational activities on the water, environmental justice, and economic impacts of alternatives to the proposed rule. The comment was vague and lacked sufficient supporting information needed to determine its validity. We were unable to obtain clarification from this anonymous commenter regarding the various issues mentioned, but the Coast Guard believes this rule remains as one that is a category of actions that do not individually or cumulatively have a significant effect on the human environment, and the analysis supporting this determination is available in the docket where indicated under **ADDRESSES**. Similarly, one commenter stated that these regulations would have an impact on persons who make a living by fishing, crabbing, and oystering on the Chesapeake Bay that act as small businesses. The Coast Guard received no comments from the Small Business Administration on this rulemaking, and 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.

One comment stated, ''Depending on which shoreline is being used for measurement, a percentage value of coverage may vary considerably, which will affect which areas are selected for closure. It is not known which shoreline standard is being used . . .'' In the context of this rule, the shoreline is the extent of navigable waters as they are defined in 33 CFR part 2. We replaced the term shoreline with the term ''the extent of navigable waters'' to clarify the physical reference point from which ice accumulation will be measured for the purposes of enforcing the rule. The zones cover large geographic areas so that a disproportionate amount of ice accumulation along a shoreline will not have an impact on when the Ice Conditions are set. To clarify the jurisdictional extents of the safety zones, the term ''and its tributaries'' was added to Delaware Bay, Delaware River, and Upper Delaware River zones.

The same commenter expressed concern that the measurement errors or tolerance that would affect timings of ''closure events'' is unknown. No changes were made to this rule based on this comment. The Coast Guard finds it reasonable to expect that vessel operators can discern between the ice prevalence and thicknesses that are listed in the regulatory text in order to determine when restrictions are in place. The Coast Guard has consistently received reliable and accurate reports of ice conditions from these same vessel operators in the past. Furthermore, as stated in the regulatory text, the COTP can notify mariners of Ice Conditions and associated restrictions via Broadcast Notice to Mariners and other methods described in 33 CFR 165.7. Vessel operators that encounter ice covered waterways and are uncertain if the zone is in effect may contact the cognizant COTP to determine the waterway status.

The same commenter asked for a list of ''protected waters'' and their boundary coordinates. This rule defines ''protected waters'' as, ''sheltered waters such as harbors or basins that present no special hazards.'' This term is used in this regulation so ''vessels may transit within protected waters to facilitate icebreaking operations and protect infrastructure and property without COTP permission.'' The commenter specifically asked if contractors moving work barges around bridges would be considered as operating in protected waters and if fishermen attempting to recover nets or other fisheries gear would be considered as protecting infrastructure or property. No changes were made based on this comment. It is not feasible for the Coast Guard to provide a list of activity in every area that could be considered ''protected waters'' in this rule because the conclusion would vary depending on the vessel, environment, nature of the activity, and infrastructure present at the time the Ice Condition is in effect. The Coast Guard concludes that the present definition provides sufficient parameters that will promote navigational safety, provide for the safety of life and property, and facilitate the reasonable demands of commerce.

Finally, one commenter requested the Coast Guard institute a process whereby the final rule is subject to future review and comment by industry stakeholders at regular intervals to ensure that it remains appropriate to current conditions. The Coast Guard will monitor the effectiveness when executing and enforcing the rule, and ensures that our agency will engage in proper notice-and-comment procedures if we see a need to change the rule.

This rule establishes 11 safety zones on the navigable waters of the Fifth Coast Guard District. This imposes restrictions on vessels operating within the safety zones or a portion of the zones where a threat to navigation exists due to ice covered waterways. Vessels transiting in protected waters, such as within a marina, harbor or basin, for the purposes of facilitating icebreaking operations and protecting infrastructure and property would be exempt from the controls. Vessels capable of operating in the prevailing ice condition outside of protected waters may be allowed to operate within the safety zones if granted permission by the cognizant COTP.

Under this rule, a vessel needs permission from the cognizant COTP or the District Commander to enter or continue transiting a zone if, when approaching or after entering a safety zone, the vessel encounters ice of a given thickness, unless the COTP or the District Commander has set an ice condition for the zone or a portion of the zone and the vessel meets the associated requirements to transit the zone. Descriptions of the three ice conditions and vessel requirements to transit are listed below. Under:

- Condition One, when 30 percent of a zone is reported covered with ice 1 to 3 inches thick, only steel hull vessels would be allowed to transit the zone;
- Condition Two, when 30 to 90 percent of a zone is reported covered with ice 3 to 9 inches thick, only steel hull vessels with a 1,500 minimum shaft horsepower and a main engine cooling system design that prevents blockage from ice would be allowed to transit the zone; and
- Condition Three, when 90 percent or more of a zone is reported covered with ice 9 inches thick, only steel hull vessels with a 1,500 minimum shaft horsepower and a main engine cooling system design that prevents blockage from ice in a vessel convoy would be allowed to transit the zone.

For non-steel-hull vessels, entry into or continuing to transit the zone is prohibited without permission from the cognizant COTP or District Commander if, when approaching the zone or after entering the safety zone, the vessel encounters ice of ½-inch or more in thickness. When this thickness of ice is reached in a zone, non-steel hull vessels moored or docked in the zone need not exit the zone, but these vessels may not transit the zone without permission of the cognizant COTP or District Commander. There is an exemption for vessels that need to transit in protected

waters, such as within a marina, harbor, or basin, to facilitate icebreaking operations and protect infrastructure and property. The regulatory text appears at the end of this document.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on our assessment that although this regulation could limit or prevent marine traffic from transiting certain waterways in the Fifth Coast Guard District, the effect of this regulation would not be significant because there is little vessel traffic associated with recreational boating and commercial fishing during enforcement periods. The Coast Guard anticipates implementing control measures for limited durations of time. The cognizant COTP will make notifications of the regulated areas to the maritime public via Broadcast Notice to Mariners so mariners can adjust their plans accordingly. Moreover, vessel traffic capable of operating in such conditions will be allowed to enter into or transit within the safety zones as specified by the cognizant COTP.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the regulated areas may be small entities, for the reasons stated in section V.A above, this rule would not have a significant economic impact on a substantial number of small entities.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order13132.

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (Act) (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 establishing safety zones. Normally such actions are categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist and a Record of Environmental Consideration (REC) supporting this determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.550 to read as follows:

§ 165.550 Safety Zones; Ice covered waterways within the Fifth Coast Guard District.

(a) *Regulated areas.* The following areas are established as safety zones:

(1) *Coast Guard Sector Delaware Bay—COTP Zone.* (i) *Delaware Bay:* All navigable waters of Delaware Bay and Delaware River in an area bound to the south by a line drawn across the entrance to Delaware Bay, commencing at Cape May Light (LLNR 155) latitude 38°55′59″ N., longitude 074°57′37″ W.; thence southwest to Cape Henlopen, latitude 38°48′20.3″ N., longitude 075°05′44.5″ W. The regulated area is bound to the north by a line drawn across the Delaware River, commencing at Liston Point, DE, latitude 39°25′03.07″ N., longitude 075°32′25.5″ W.; thence northeast to the extent of navigable waters at Hope Creek Jetty, latitude 39°27′05.04″ N., longitude 075°30′12.55″ W. (Datum NAD 83)

(ii) *Delaware River:* All navigable waters of Delaware River and its tributaries, in an area bound to the south by a line drawn across the Delaware River, commencing at Liston Point, DE, latitude 39°25′03.07″ N., longitude 075°32′25.5″ W.; thence northeast to the extent of navigable waters at Hope Creek Jetty, latitude 39°27′05.04″ N., longitude 075°30′12.55″ W., including the navigable waters of the Salem River, Christina River, and Schuylkill River. The regulated area is bound to the north by a line drawn across the Delaware River at the Betsy Ross (state route 90) fixed highway bridge from latitude 39°59′10.43″ N, longitude 075°04′11.03″ W to latitude 39°58′58.65″ N., longitude 075°03′43.23″ W. (Datum NAD 83)

(iii) *Upper Delaware River:* All navigable waters of Delaware River and its tributaries in an area bound to the south by a line drawn across the Delaware River at the Betsy Ross (state route 90) fixed highway bridge from latitude 39°59′10.43″ N., longitude 075°04′11.03″ W. to latitude 39°58′58.65″ N., longitude 075°03′43.23″ W. The regulated area is bound to the north by a line drawn across the Delaware River at the Trenton—Morrisville (state route 1) highway bridge from latitude 40°12′29.86″ N., longitude 074°46′11.00″ W. to latitude 40°12′34.93″ N., longitude 74°46′00.63″ W. (Datum NAD 83)

(iv) *New Jersey Intracoastal Waterway:* All navigable waters of New Jersey Intracoastal Waterway (NJICW), bounded by the area defined by 33 CFR 80.501(b)–(c) and § 80.502, commencing at the entrance to Manasquan Inlet at latitude 40°06′03″ N., longitude 74°01′55″ W., continuing the entire length of NJICW to include the navigable waters Manasquan River at its tributaries, Metedeconk River and its tributaries, Toms River and Barnegat Bay and its tributaries, Mahahawkin Bay, Little Egg Harbor, Great Bay to Absecon Bay, Lakes Bay, Great Egg Harbor Bay, Peck Bay, Ludlam Bay, Townsend Sound, Stites Sound, Great Sound, Grassy Sound, Taylor Sound, Sunset Lake, Jarvis Sound and Cape May Harbor. This regulated area terminates in the east at line drawn across the seaward extremity of Cape May Inlet, Cape May, NJ and in the west at line drawn across the entrance to the Cape May Canal from latitude 38°58′03.72″ N., longitude 074°58′00.00″ W. to latitude 38°57′57.00″ N., longitude 074°58′00.80″ W. (Datum NAD 83)

(2) *Coast Guard Sector Maryland-National Capital Region- COTP Zone.* (i) *Head of Chesapeake Bay to C&D Canal:* All navigable waters of the Upper Chesapeake Bay and its tributaries, bound to the north by a line drawn from Hylands Point, MD, latitude 39°30′18″ N., longitude 075°55′37″ W.; thence east across Elk River to the shoreline at Old Town Point Wharf, MD, latitude 39°30′11.3″ N., longitude 075°54′57.1″ W. The regulated area is bound to the south by a line drawn across the Chesapeake Bay, commencing at North Point, MD, latitude 39°11′43.7″ N., longitude 076°26′32.8″ W.; thence east to the extent of navigable waters at Swan Point, latitude 39°08′41.7″ N., longitude 076°16′42.4″ W. (Datum NAD 83)

(ii) *Baltimore Harbor and approaches:* All navigable waters of the Chesapeake Bay and its tributaries, bound to the north by a line drawn across the Chesapeake Bay, commencing at North Point, MD, latitude 39°11′43.7″ N., longitude 076°26′32.8″ W.; thence east to the shoreline at Swan Point, latitude 39°08′41.7″ N., longitude 076°16′42.4″ W. The regulated area is bound to the south by the southernmost edge of the east-bound span of the William P. Lane, Jr (US–50/301) Memorial Bridge. (Datum NAD 83)

(iii) *Chesapeake Channel to Cove Point:* All navigable waters of the Chesapeake Bay and its tributaries, bound to the north by the southernmost edge of the east-bound span of the William P. Lane, Jr (US–50/301) Memorial Bridge. The regulated area is bound to the south by a line drawn across the Chesapeake Bay commencing in Cove Point in Calvert County, MD at latitude 38°23′10.5″ N., longitude 076°22′52.9″W. and ending at a point in Meekins Neck at latitude 38°23′14.9″ N., longitude 076°16′48.3″ W. (Datum NAD 83)

(iv) *Chesapeake Channel between Cove Point and Smith Point, and Lower Potomac River:* All navigable waters of Chesapeake Bay and its tributaries, bound to the north by a line drawn across the Chesapeake Bay commencing in Cove Point in Calvert County, MD at latitude 38°23′10.5″ N., longitude 076°22′52.9″ W. and ending at a point in Meekins Neck at latitude 38°23′10.5″ N., longitude 076°16′48.3″ W.; and all navigable waters of the Potomac River bound to the north by a line drawn across the Potomac River at the Governor Harry W. Nice (US–301) Memorial Bridge from latitude 38°21′33.30″ N., longitude 077°00′51.41″W. to latitude 38°21′48.22″ N., longitude 76°58′59.83″ W., connecting King George County, VA and Charles County, MD. (Datum NAD 83)

(v) *Potomac River:* All navigable waters of the Potomac River, bound to the north by a line drawn across the Potomac River at the Woodrow Wilson Memorial (I–95/I–495) Bridge from latitude 38°47′32.38″ N., longitude 077°02′22.15″ W. to latitude 38°47′33.83″ N., longitude 077°01′30.58″ W., connecting Alexandria, VA and Prince George's County, MD. The regulated area is bound to the south by a line drawn across the Potomac River at the Governor Harry W. Nice (US–301) Memorial Bridge from latitude 38°21′33.30″ N., longitude 077°00′51.41″W. to latitude 38°21′48.22″ N., longitude 76°58′59.83″ W., connecting King George County, VA and Charles County, MD. (Datum NAD 83)

(vi) *Upper Potomac River and Anacostia River:* All navigable waters of the Potomac River, bound to the north by a line drawn across the Potomac River at the Francis Scott Key (US–29) Bridge from latitude 38°54′03.51″ N.,

longitude 077°04′13.18″ W. to latitude 38°54′13.68″ N., longitude 077°04′08.46″ W., connecting Rosslyn, VA and Georgetown, Washington, DC, and bound to the south by a line drawn across the Potomac River at the Woodrow Wilson Memorial (I–95/I–495) Bridge from latitude 38°47′32.38″ N., longitude 077°02′22.15″ W. to latitude 38°47′33.83″ N., longitude 077°01′30.58″ W., connecting Alexandria, VA and Prince George's County, MD. All navigable waters of Anacostia River and Washington Channel bound to the north by a line drawn across the Anacostia River at the John Philip Sousa (Pennsylvania Avenue SE) Bridge, latitude 38°52′38.97″ N., longitude 076°58′46.48″ W. to latitude 38°52′34.08″ N., longitude 076°58′36.61″ W. and bound to the south by a line drawn across the mouth of the Anacostia River, from Hains Point at latitude 38° 51′ 24.34″ N., longitude 077° 1′ 20.14″ W., south across Anacostia River Channel to Giesboro Point at latitude 38°50′51″ N., longitude 077°01′14″ W. at Joint Base Anacostia-Bolling military installation. (Datum NAD 83)

(3) *Coast Guard Sector Hampton Roads—COTP Zone*—(i) *Chesapeake Bay and Tangier Sound:* All navigable waters of Chesapeake Bay, and its tributaries, bound to the north by a line drawn along the Maryland-Virginia boundary, commencing in Virginia at latitude 37°53′11″ N., longitude 76°14′15″ W., thence east along the Maryland-Virginia boundary as it proceeds across the Chesapeake Bay and Pocomoke River, ending at the point latitude 37°59′39.8″ N., longitude 75°37′27.4″ W. The regulated area is bound to the south by a line drawn across the Chesapeake Bay along latitude 37°45′00.0″ N., commencing in Northumberland County, VA at latitude 37°45′00.00″ N., longitude 76°18′44.32″ W. and ending in Chesconessex, in Accomack County, VA at latitude 37°45′00.00″ N., longitude 75°48′39.53″W. (Datum NAD 83)

(ii) [Reserved]

(b) *Definitions.* As used in this section:

Convoy means a group of vessels led by U.S. Coast Guard assets or COTP-designated vessels to assist vessels moving through the ice.

COTP means the Coast Guard Captain of the Port with jurisdiction over the geographic area as defined in 33 CFR subpart 3.25.

Designated representative means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the cognizant COTP to assist in enforcing the safety zones described in paragraph (a) of this section.

Horsepower means the total maximum continuous shaft horsepower of a vessel's main propulsion machinery.

Ice Condition One means when the COTP or District Commander has received reports that approximately 30 percent of a safety zone defined in paragraph (a) has been covered with ice whose thickness is approximately 1 to 3 inches.

Ice Condition Two means when the COTP or District Commander has received reports that approximately 30 percent to 90 percent of a safety zone defined in paragraph (a) has been covered with ice whose thickness is approximately 3 to 9 inches.

Ice Condition Three means when the COTP or District Commander has received reports that approximately 90 percent or more of a safety zone defined in paragraph (a) has been covered with ice whose thickness is 9 inches or thicker.

Protected waters means sheltered waters such as harbors or basins that present no special hazards.

Public vessel means vessels owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commercial service.

(c) *Regulations*—(1) *Non-steel hull vessels.* Non-steel hull vessels may not enter or transit within a safety zone described in paragraph (a) of this section without permission from the cognizant COTP or District Commander if, when approaching the zone or after entering the zone, the vessel encounters ice of ½-inch or more in thickness. When ice in a zone is ½-inch thick or more, non-steel hull vessels moored or docked in the zone need not exit the zone. Except for as described in paragraph (d)(4), non-steel hull vessels may not enter or transit the zone without permission of the cognizant COTP or District Commander.

(2) *Steel hull vessels.* Except as provided in paragraph (d)(1) of this section, steel hull vessels may not enter or transit within a safety zone described in paragraph (a) of this section without permission from the cognizant COTP or District Commander in the following circumstances:

(i) The vessel has less than 1,500 minimum shaft horsepower and encounters ice 1 inch or more thick.

(ii) The vessel has a 1,500 minimum shaft horsepower and a main engine cooling system design that prevents blockage from ice and encounters ice 3 inches or more thick.

(iii) The vessel is part of a vessel convoy and has a 1,500 minimum shaft horsepower and a main engine cooling system design that prevents blockage from ice and encounters ice 9 inches or more thick.

(d) *Permission to enter or transit.* (1) The COTP may set ice conditions, as defined in paragraph (b) of this section, for any zone described in paragraph (a) of this section, or a portion thereof, and announce those conditions via Broadcast Notice to Mariners and other methods described in 33 CFR 165.7. Steel hull vessels prohibited from entering or transiting a safety zone under paragraph (c) of this section may nonetheless enter or continue transiting the safety zone without contacting the COTP if the vessel is a public vessel or the COTP has set an ice condition for the safety zone and the vessel meets these restrictions:

(i) *Ice Condition One.* Only steel hull vessels may enter, operate in, or transit though a safety zone when Ice Condition One has been set for that zone.

(ii) *Ice Condition Two.* Only steel hull vessels with a 1,500 minimum shaft horsepower and a main engine cooling system design that prevents blockage from ice, may enter, operate in, or transit though a safety zone when Ice Condition Two has been set for that zone.

(iii) *Ice Condition Three.* Only steel hull vessels with a 1,500 minimum shaft horsepower and a main engine cooling system design that prevents blockage from ice, and that are part of a vessel convoy, may enter, operate in, or transit though a safety zone when Ice Condition Three has been set for that zone. These vessels may only transit an Ice Condition Three zone during daylight hours.

(2) Vessels prohibited from entering or transiting a safety zone under paragraph (c) of this section may request permission to enter or continue transiting by contacting the cognizant COTP on VHF–FM channel 16 (156.8 MHZ) or via telephone, as follows:

(i) COTP Delaware Bay: 215–271–4940.

(ii) COTP Maryland-National Capital Region: 410–576–2693.

(iii) COTP Hampton Roads: 757–483–8567.

(3) Vessels granted permission to enter, operate in, or transit though a safety zone must do so in accordance with the directions provided by the cognizant COTP or designated representative.

(4) Vessels may transit within protected waters to facilitate icebreaking

operations and protect infrastructure and property without COTP permission.

(e) *Enforcement.* The Coast Guard vessels enforcing this section can be contacted on marine band radio VHF–FM channel 16 (156.8 MHZ). The cognizant COTP and his or her designated representatives can be contacted at telephone number listed in paragraph (d)(2) of this section.

Dated: August 2, 2017.

Meredith L. Austin,

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

[FR Doc. 2017–17748 Filed 8–21–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2007–0113; FRL–9966–66–Region 4]

Air Plan Approval; Georgia: Permit Exemptions and Definitions; Withdrawal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule: withdrawal.

SUMMARY: Due to adverse comments received, the Environmental Protection Agency (EPA) is withdrawing the June 29, 2017, direct final rule that would have approved a revision to the Georgia State Implementation Plan (SIP) concerning changes to existing minor source permitting exemptions and a definition related to minor source permitting exemptions. EPA stated in the direct final rule that if EPA received adverse comments by July 31, 2017, the rule would be withdrawn and not take effect.

DATES: The direct final rule published at 82 FR 29418 on June 29, 2017, is withdrawn, effective August 22, 2017.

FOR FURTHER INFORMATION CONTACT: D. Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Phone number: (404) 562–9089; Email: *akers.brad@epa.gov.*

SUPPLEMENTARY INFORMATION: On June 29, 2017 (82 FR 29418), EPA published a direct final rulemaking to approve portions of a SIP revision submitted by the State of Georgia, through the Georgia Department of Natural Resources' Environmental Protection Division (GA EPD), on September 19, 2006, with a clarification submitted on November 6, 2006. The SIP submission included changes to existing minor source permitting exemptions and a definition related to minor source permitting exemptions. On June 29, 2017 (82 FR 29469), EPA also published an accompanying rulemaking proposing to approve the portions of the aforementioned SIP revision in the event that EPA received adverse comments on the direct final rulemaking.

In the direct final rulemaking, EPA explained that the Agency was publishing the rule without prior proposal because the Agency viewed the submittal as a non-controversial SIP amendment and anticipated no adverse comments. Further, EPA explained that the Agency was publishing a separate document in the proposed rules section of the **Federal Register** to serve as the proposal to approve the SIP revision should an adverse comment be filed. EPA also noted that the rule would be effective on August 28, 2017, without further notice unless the Agency received adverse comment by July 31, 2017. EPA explained that if the Agency received such comments, then EPA would publish a document withdrawing the final rule and informing the public that the rule would not take effect. It was also explained that all public comments received would then be addressed in a subsequent final rule based on the proposed rule, and that EPA would not institute a second comment period on this action. The public was advised that if no comments were received that the rule would be effective on August 28, 2017, with no further actions on the proposed rule.

On July 31, 2017, EPA received one set of adverse comments from a single Commenter representing four individual groups. As a result of the comments received, EPA is withdrawing the direct final rule approving changes to existing minor source permitting exemptions and a definition related to minor source permitting exemptions into the Georgia SIP. If EPA determines that it is appropriate to finalize the proposed approval of these changes to the Georgia SIP, EPA will publish a final rule which will include a response to the comments received. In the event that EPA determines that it is not appropriate to finalize the proposed approval related to these changes, EPA may issue a subsequent proposal with a different course of action.

List of Subjects in 40 CFR Part 52

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

Dated: August 10, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

■ Accordingly, the amendments to 40 CFR 52.570(c) published on June 29, 2017 (82 FR 29418), which were to become effective August 28, 2017, are withdrawn.

[FR Doc. 2017–17617 Filed 8–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2016–0442; FRL–9966–64–OAR]

RIN 2060–AT57

National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry: Alternative Monitoring Method

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) published a direct final rule in the **Federal Register** on June 23, 2017 titled National Emission Standards for Hazardous Air Pollutants (NESHAP) From the Portland Cement Manufacturing Industry: Alternative Monitoring Method. This final rule removes the provisions that were added in the June 23, 2017, direct final rule and restores the provisions that were deleted in that rule.

DATES: Effective August 22, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Brian Storey, Sector Policies and Programs Division (D243–04), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–1103; fax number: (919) 541–5450; and email address: *storey.brian@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Why is EPA taking this action?

On June 23, 2017, the EPA published a direct final rule to amend the National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry (Portland Cement NESHAP) to allow an alternative monitoring method to be used to comply with hydrogen chloride (HCl) emissions standards (82 FR 28562). We stated in that direct final

rule that if we received adverse comment by July 3, 2017, the direct final rule would not take effect and we would publish a timely withdrawal in the **Federal Register**. At the same time, we published a parallel proposal, which proposed to make the same changes that were made in the direct final rulemaking (82 FR 28616). We subsequently received adverse comment on the direct final rule and the parallel proposal, but were unable to withdraw the direct final rule in a timely manner. In this document, we are taking final action to remove the provisions that were added to the Portland Cement NESHAP in the direct final rule and restoring the provisions that were deleted in that rule. This action will, thus, undo the changes made by the direct final rule. We are concurrently publishing a rule re-proposing and providing additional opportunity for public comment on the same amendment for the Portland Cement NESHAP that was proposed on June 23, 2017.

Although the EPA did provide an opportunity for public comment on the parallel proposal, the EPA also finds that there is ''good cause'' under the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(3)(B)) to make the amendments discussed in this final rule without prior notice and comment. For this rule, notice and comment is unnecessary because it simply implements an action that the EPA indicated it would take if it received adverse comment on the direct final rule. The record for the provisions being restored is the same record that supported those provisions in the first instance and that was previously subject to notice and comment. These actions are effective as of August 22, 2017.

II. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

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

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulation (40 CFR part 63, subpart LLL) and has assigned OMB control number 2060–0416. This action does not change the information collection requirements.

C. Regulatory Flexibility Act (RFA)

This action is not subject to the RFA. The RFA applies only to rules subject to notice and comment rulemaking requirements under the APA, 5 U.S.C. 553, or any other statute. The rule is not subject to notice and comment requirements because the agency has invoked the APA ''good cause'' exemption under 5 U.S.C. 553(b).

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

E. Executive Order 13132: Federalism

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

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

This action does not have tribal implications, as specified in Executive Order 13175. It will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. The EPA is aware of one tribally owned Portland cement facility currently subject to 40 CFR part 63, subpart LLL that will be subject to this final rule. However, the provisions of this final rule are not expected to impose new or substantial direct compliance costs on tribal governments since the provisions in this direct final rule are extending the use of an alternative to the HCl monitoring provisions, including an option which provides operational flexibility. Thus, Executive Order 13175 does not apply to this action.

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

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

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

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

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). This action does not affect the level of protection provided to human health or the environment.

K. Congressional Review Act (CRA)

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

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedures, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: August 11, 2017.

E. Scott Pruitt,

Administrator.

For the reasons stated in the preamble, the Environmental Protection Agency is amending title 40, chapter I, part 63 of the Code of Federal Regulations (CFR) as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart LLL—National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry

■ 2. Section 63.1349 is amended by adding paragraph (b)(6)(v)(H) to read as follows:

§ 63.1349 Performance testing requirements.

* * * * *

(b) * * *

(6) * * *

(v) * * *

(H) Paragraph (b)(6)(v) of this section expires on July 25, 2017 at which time the owner or operator must demonstrate compliance with paragraphs (b)(6)(i), (ii), or (iii).

* * * * *

■ 3. Section 63.1350 is amended by revising paragraph (l)(4) introductory text to read as follows:

§ 63.1350 Monitoring requirements.

* * * * *

(l) * * *

(4) If you monitor continuous performance through the use of an HCl CPMS according to paragraphs (b)(6)(v)(A) through (H) of § 63.1349, for any exceedance of the 30 kiln operating day HCl CPMS average value from the established operating limit, you must:

* * * * *

[FR Doc. 2017–17624 Filed 8–21–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket Nos. 10–51 and 03–123; FCC 17–86]

Structure and Practices of the Video Relay Services Program

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission adopts a four-year rate plan to compensate video relay service (VRS) providers, amends its rules to permit-server based routing for VRS and point-to-point calls, authorizes the continued use of money from the Telecommunications Relay Service (TRS) Fund for Commission-supervised research and development, eliminates rules providing for a neutral video communications service platform, and reinstates the effectiveness of the rule incorporating the VRS Interoperability Profile technical standard.

DATES: Effective September 21, 2017. The compliance date for 47 CFR 64.621(b)(1) is December 20, 2017. The incorporation by reference of certain publication listed in the rules was approved by the Director of the Federal Register as of May 30, 2017.

FOR FURTHER INFORMATION CONTACT: Bob Aldrich, Consumer and Governmental Affairs Bureau at: (202) 418–0996, email *Robert.Aldrich@fcc.gov,* or Eliot Greenwald, Consumer and Governmental Affairs Bureau at: (202) 418–2235, email *Eliot.Greenwald@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order and Order, FCC 17–86, adopted and released on July 6, 2017, in CG Docket Nos. 10–51 and 03–123. The full text of this document will be available for public inspection and copying via the Commission's Electronic Comment Filing System (ECFS), and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (844) 432–2272 (videophone), or (202) 418–0432 (TTY).

Congressional Review Act

The Commission sent a copy of document FCC 17–86 to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

Final Paperwork Reduction Act of 1995 Analysis

Document FCC 17–86 does not contain any new or modified information collection requirements subject to the Paperwork Reduction Act of 1995, Pub. L. 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Pub. L. 107–198, *see* 44 U.S.C. 3506(c)(4).

Synopsis

VRS Compensation—Allowable Cost Categories

1. In the Further Notice of Proposed Rulemaking (*FNPRM*), FCC 17–26, published at 82 FR 17613, April 12, 2017, the Commission stated its intention not to reopen questions concerning the categories of expenses that should be considered allowable costs for VRS compensation. Various parties commenting in this proceeding nonetheless urge that the Commission re-open the matter of allowing costs associated with customer premise equipment (CPE), numbering, outreach, and research and development (R&D). In addition, Sorenson Communications, LLC (Sorenson) raises new concerns about allowing compensation for imputed intellectual property. These issues are beyond the scope of the rulemaking. The Commission has previously considered and disallowed compensation for each of these categories, except intellectual property, which is addressed below.

2. *No reason to reopen previously settled disallowance issues.* No party provides a compelling reason to reopen the above issues in this proceeding, especially in the absence of Administrative Procedure Act (APA) notice. The Commission does not agree that circumstances have changed dramatically and sees no material difference from prior proceedings where these issues were addressed.

3. Even if the issues were not already settled and there was APA notice regarding them, the Commission would not be persuaded by arguments to expand allowable costs. Equalizing all VRS-related costs to a voice telephone user's costs is not part of the Commission's mandate under section 225 of the Act. Congressional intent to equalize either network access rates or equipment costs for TRS and voice service users is not evident in the text of this narrowly drawn provision, its surrounding context, or its legislative history. In 1990, the year of section 225's enactment, all TRS calls took place between individuals who used TTYs and voice users. But the high costs of TTY service rates and equipment were matters of public awareness and were being addressed through state and federal action outside the relay requirements of section 225 of the Act. Regarding service costs, the plain text of this section demonstrates that it solely was intended to prevent relay users from incurring the added costs of routing TRS calls through remote relay centers that lie outside the geographical locations of the parties to a relay call, and nothing more. Congress had knowledge about, and ample opportunity to direct the Commission to equalize telephone service costs for TTY users at the time of section 225's enactment, yet it specifically chose not to do so. Accordingly, the discrepancy between the higher service costs for a broadband connection needed to achieve access to VRS and the costs of

telephone service incurred by voice users was not a matter intended to be addressed by section 225 of the Act.

4. Similarly, at the time of section 225's enactment, it was quite evident that the cost of end user equipment needed to complete TRS calls would be significantly greater than the equipment costs incurred by voice telephone users. The average cost for a TTY was $600–$1000, a prohibitive amount for many individuals with low incomes. Again, however, there is simply no indication in section 225 of the Act or its legislative history of an intent by Congress to require the Commission to use the TRS Fund or any other mechanism to equalize such equipment costs. Rather, states developed local programs to distribute TTYs and other specialized customer premises equipment to low income and other eligible individuals with disabilities.

5. Further, disallowance of end user equipment costs from compensable expenses does not discourage the development of improved technology. Rather, compensation to providers for the provision of free equipment *runs counter* to promoting the use of new mobile and other technologies that are available for use with VRS. The Commission has undertaken extensive efforts to expand the availability of interoperable off-the-shelf Internet Protocol (IP) enabled devices for VRS use, so that individuals who use these services can reduce their dependence on VRS equipment specifically designed for a particular provider's network. Providers increasingly run their own software on off-the-shelf mobile devices, tablets, desktop personal computers, and laptops, reducing the need for specialized, stand-alone VRS equipment. Because the Commission's rules require that all providers support a common standard for relay user equipment (in addition to their own proprietary standards), the Commission has made it possible for the software developed according to such standard to work on all provider networks, thus making it more attractive for third parties to develop VRS software. These actions demonstrate a concerted effort by the Commission to further section 225's mandate to encourage the use of new and innovative technology.

6. By not authorizing recovery of the costs of VRS CPE, the Commission avoids offering preferential subsidies to certain VRS providers (*i.e.,* those who rely on the free provision of expensive, dedicated videophones and other equipment to attract and retain VRS consumers for their branded services) to the exclusion of others, as well as avoids encouraging providers to engage in free CPE giveaways as incentives to use their services. The Commission believes that if VRS providers are to compete for customers, it is preferable for such competition to take place with respect to the quality of their services—which was the intended purpose of section 225 of the Act—not the equipment they can afford to distribute. The Commission finds no basis for departing from Commission precedent, and therefore again declines to allow use of TRS funds to support VRS providers' equipment costs.

7. *Intellectual Property.* The Commission concludes that a provider that develops its own intellectual property is not entitled to have the imputed value of that property included in allowable costs. First, the Commission has not previously allowed compensation for the imputed value of TRS providers' property, whether tangible or intangible, and the Commission sees no reason to do so under a methodology that is based on compensating providers for their actual expenses. Any attempt to value intellectual property would necessarily be speculative and highly inexact, especially in the absence of evidence based on arm's length marketplace transactions involving such property. Second, as noted above, to the extent that a provider engages in R&D to develop VRS technologies whose purpose is to meet the Commission's mandatory minimum standards, it is already permitted to recover those expenses from the TRS Fund. To also compensate a provider for the imputed value of such technology would be duplicative at best. Third, the Commission finds unconvincing the suggestion of an analogy between costs incurred by a TRS provider to license technology from third parties and the imputation of a licensing fee to be ''paid'' by a TRS provider to itself. The Commission's cost-of-service methodology appropriately assesses the cost of VRS based on provider's *actual* expenses, not hypothetical expenses that a provider might have incurred had it chosen to purchase technology from third parties. When a VRS provider chooses to develop its own VRS technologies rather than license them from others, it is reasonable to assume that the provider decided that such self-provisioning would enable it to provide service more effectively and at lower cost. It is likewise reasonable and appropriate for the Commission to assess a provider's costs based on its actual expenditures rather than hypothetical, more costly expenditures that it might have made but chose not to.

8. In effect, the argument for recovery of the imputed value of a TRS provider's intellectual property appears to be a way of arguing that VRS providers should be able to gain additional profit for what they have invested in R&D. Although the Commission allows providers to recover their reasonable expenses of providing TRS, in prior decisions it has disallowed claims for ''profit'' in excess of a reasonable allowance for the cost of raising capital. Although in the section following the Commission modifies the method of estimating capital costs by adopting an ''operating margin'' approach that will allow providers greater opportunity to recover such costs, the Commission does not thereby authorize providers to recover additional ''markup'' or profit that goes beyond such reasonable allowance.

Capital Cost Recovery/Operating Margin

9. *Replacing return on investment with operating margin.* In light of VRS providers' concerns about the adequacy of the 11.25% allowed return on plant investment for capital cost recovery in an industry with very little plant investment, the Commission adopts its proposal in the *FNPRM* to replace the current rate-of-return approach to capital cost recovery with an operating margin approach, allowing recovery of a specified percentage of allowable expenses.

10. *Setting an allowed operating margin.* There is wide variation among average operating margins of different industry sectors, as well as between operating margins for particular companies and time periods. Sorenson provides a list of adjusted EBITDA margins for 20 ''leading publicly traded information technology consulting companies,'' which Sorenson states is based on data reported by Bloomberg on U.S.-listed public companies with a market cap of at least $1 billion and with 100% of their revenue derived from ''IT Services.'' Sorenson notes that the unweighted average margin for the companies on this list is 15.9%.

11. The Commission concludes that consideration of operating margins earned in analogous industries may be a reasonable approach to setting an allowed operating margin for VRS providers. However, information technology (IT) consulting companies are not sufficiently analogous to VRS providers for their operating margins to serve as a reasonable proxy. Unlike IT consulting companies, the bulk of VRS costs are labor costs, primarily salaries and benefits for interpreters, who need

not be highly skilled in technology. The Census Bureau's survey of public companies' financial data for North American Industry Classification System (NAICS) Code 541, defined as ''Professional, Scientific, and Technical Services,'' but excluding legal, shows that average quarterly pre-tax operating margins for this industry sector between 2013 and 2016 ranged from 1.8% (in 1Q2016) to 7.9% (in 2Q2013), averaging 4.6% in the 2013–16 period as a whole and 3.2% in 2016. For NAICS 5419, a subsector that includes translation and interpretation services but excludes various less analogous industry segments such as accounting, architectural and engineering, and computer systems design services, the average operating margin for the public firms included in the Census Bureau's survey ranged from 3.9% to 12.2% for the 2013–16 period and averaged 7.4% in the 2013–16 period as a whole and 7.6% in 2016. Government contractors are another category that may reasonably be viewed as analogous to VRS providers in that they are paid by the government for providing services mandated by law or otherwise closely supervised by a government entity. In five surveys of government contractors by Grant Thornton, conducted between 2009 and 2015, the majority of respondents consistently reported profit rates before interest and taxes between 1% and 10%, with the median profit rate in the neighborhood of 6%.

12. Selecting an operating margin from among this wealth of data regarding arguably analogous industry sectors is not subject to precise determination. The Commission notes that for 2016 (or 2015, in the case of government contractors, as that was the most recent year surveyed), none of the industry sector surveys described above, other than the one cited by Sorenson, had average operating margins greater than 7.6%, and that even the high technology firms cited by Sorenson have a median operating margin of only 12.35%. Based on the current record, and in light of the Commission's statutory mandate to ensure that VRS is made available ''to the extent possible, and in the most efficient manner,'' the Commission concludes that the range of 7.6% to 12.35% represents the ''zone of reasonableness'' of an allowable operating margin for VRS providers.

Compensation Rate Structure

13. Over the last four years, the Commission has observed the results of its 2013 structural reform and rate initiatives, including the effects on provider incentives, to the extent those can be discerned. The 2013 plan provided for reducing the rate gap between highest- and lowest-priced tiers, with the ultimate expectation that the tiered rate structure eventually would be replaced by a unitary compensation rate for all minutes, which would be set either directly or by proxy based on competitive bidding. This expectation was, in turn, based on the assumption that structural reforms, such as effective interoperability and portability standards and the establishment of a neutral routing platform would generate a ''more competition-friendly environment'' for small providers. There was also an expectation that, pending the completion of such structural reforms, the temporary continuation of a tiered rate structure would both encourage improvements in efficiency and ensure that smaller providers ''have a reasonable opportunity to compete effectively during the transition and to achieve or maintain the necessary scale to compete effectively after structural reforms are implemented.'' *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities,* Report and Order, FCC 13–82, published at 78 FR 40581, July 5, 2013 (*2013 VRS Reform Order*).

14. The record confirms that most of these underlying expectations and assumptions have not been borne out by experience. First, a number of the Commission's expectations regarding the pace and content of structural reforms have proven to be overly optimistic. Improved interoperability standards were not incorporated into the Commission's rules until this year, and some aspects of equipment portability, which was expected to improve the competitiveness of the VRS market by facilitating consumers' use of inexpensive, off-the-shelf devices, have yet to secure consensus from the VRS industry. Further, the neutral video communications platform, which the *2013 VRS Reform Order* envisioned as a key element in enabling small providers to compete effectively, proved to be impracticable. These developments disprove the Commission's original assumption that structural reforms would be far enough advanced to enable the elimination of tiered rates and the introduction of a market-based methodology upon the expiration of the 2013 compensation plan.

15. Second, provider cost reports overall do not show the major improvements in smaller providers' efficiency that the Commission assumed were possible. With the ''glide path'' reductions in VRS compensation rates, providers have been under pressure to improve efficiency, and the record indicates that certain providers have taken significant measures to do so. The weighted average of historical per-minute costs reported by VRS providers has declined from 2013 to 2016; however, the decline has been relatively modest, compared to the period from 2009 to 2012, when average per-minute costs declined by more than $1.00 per minute. Thus, while it appears that providers have achieved some efficiency improvements, other factors, such as the lack of full interoperability, may have limited their success. As a result, the Commission's expectation that smaller VRS providers would be able to make substantial improvements in efficiency within the past four-year period was not fulfilled.

16. Third, updated VRS demand data confirm that the VRS market structure is largely unchanged since 2013, when ''Sorenson provide[d] about 80% of the VRS minutes logged every month, and its two principal competitors each provide[d] another five to ten percent.'' Since then, the two cited competitors of Sorenson have merged, but it is too early to predict how that merger will affect the viability of competition in the VRS market (other than reducing the total number of competitors from five to four). What is clear, however, is that competitors have not made significant inroads into Sorenson's market share, and no VRS provider has been able to grow significantly so as to achieve ''the necessary scale to compete effectively.''

17. As a consequence of these developments, there remain vast differences in the per-minute costs of VRS providers, which roughly track the vastly different market shares of each current provider. As long as such lopsided cost structures persist, it seems highly unlikely that any of the non-dominant VRS providers can compete successfully to gain market share vis-à-vis the largest, least-cost provider.

18. In the face of these unfulfilled expectations and assumptions, the Commission must choose from a number of alternative courses to take. One possible course would be to seek to maximize efficiency by transitioning to a single rate set at the level of the allowable costs of the lowest-cost provider, or alternatively, at the level of the average allowable costs for the VRS industry. This approach would reduce the cost burden on the TRS Fund, at least in the short term, but, given the current disparate cost structures in the VRS market, also would be likely to eliminate all VRS competition. The Commission has consistently sought to

encourage and preserve the availability of a competitive choice for VRS users, because it ensures a range of service offerings analogous to that afforded voice service users and because it provides a competitive incentive to improve VRS offerings. Further, the continuing presence of such competitive offerings is likely to encourage the lowest-cost provider to maintain higher standards of service quality than if it faced no competition. Thus, if the Commission was to allow VRS competition to be extinguished, for the sake of increasing the efficiency of VRS, the Commission would risk depriving users of functionally equivalent VRS. Because the Commission believes that, in the current circumstances, the benefits of such a rate reduction, through increased efficiency, are not worth the risks to functional equivalence associated with eliminating competitive choice, the Commission did not propose this course as an alternative, and no party advocates it.

19. A second alternative would be to transition to a single rate set at the cost level of some higher-cost provider—most likely the next-lowest-cost provider. Due to the current imbalance among VRS providers' cost structures, however, this method would be likely to result in greatly increased TRS Fund expenditures, because the most efficient provider—with the overwhelming bulk of minutes—would be compensated at a rate far in excess of its actual costs. Such inefficient use of TRS Fund resources is not permitted by section 225 of the Act if there is a more efficient method of ensuring the availability of functionally equivalent service. In addition, by generating an extremely uneven set of operating margins—huge windfall profits for one provider and minimally sufficient margins or actual operating losses for the others, taking this approach seems likely to doom any prospect of the VRS market evolving to a more competitive structure. Indeed, adopting this approach, as a practical matter, would inevitably eliminate two of the four existing VRS competitors. A single rate could not be set high enough to allow a third provider to remain in the market without raising TRS Fund expenditures and allowing the windfall profits for lower-cost providers to achieve astronomical levels.

20. For these reasons, the Commission concludes that the alternative proposed in the *FNPRM*—maintaining a tiered rate structure for the next four years—is the best available alternative at present. Compared with any practicable single-rate approach, as further explained below, a tiered rate approach is most likely to ensure that functionally equivalent VRS remains available and is provided in the most efficient manner with respect to TRS Fund resources.

21. First, the application of tiered rates rather than a single rate will help ensure that there continue to be competitive options for VRS users, an objective that takes on special importance at this time, in light of the recent attrition in the VRS market. Although there were six independently owned providers at the time of the *2013 VRS Reform Order,* this number has since been reduced to four. The presence of multiple competitors, even if less efficient than the lowest-cost provider, may enhance functional equivalence by ensuring that VRS users have a choice among diverse service offerings. Further attrition, which would be inevitable if the Commission sets a single rate at any realistic level, would further limit the ability of consumers to select providers based on service quality and features, and would make the continuing availability of *any* competitive choice less certain, eroding the Commission's ability to ensure the availability of functionally equivalent service. In these circumstances, to the extent that a tiered rate structure is more effective than a single rate in preventing further erosion of the competitiveness of the VRS environment, it may be justifiable on that ground alone, even if overall efficiency would be somewhat reduced.

22. Moreover, the record indicates that, at this time, a tiered rate structure is more likely than a single-rate structure to improve the efficiency with which the TRS Fund supports VRS. Given the major disparities in service provider size and cost structure, tiered rates enable the Commission to reduce waste of TRS Fund resources by limiting compensation that is excessive in relation to a provider's actual costs. Thus, the Commission is not persuaded that a tiered rate structure, by allowing payment of a higher effective compensation rate to less efficient VRS providers, necessarily contravenes the mandate that VRS be available in the most efficient manner. While the mandate is for the Commission to ensure the availability of VRS in the most efficient manner, the Commission must measure such efficiency by comparing the *overall* expenditures from the TRS Fund the Commission has established for that purpose, with the *overall* results achieved by such expenditures in terms of TRS availability and functional equivalence. A single rate structure fails this test of efficiency because it would cost the TRS Fund more in overall compensation than the tiered rate structure the Commission adopts.

23. Further, the Commission must consider the value users get for the compensation paid to providers, and may take into consideration the extent to which the participation of less efficient providers produces other benefits in the way of improved services for consumers. In this regard, on numerous occasions, the Commission has made clear that there are benefits in supporting less efficient providers that meet the needs of niche populations, including people who are deaf-blind or speak Spanish, enabling the entrance of new companies that can introduce technological innovations into the VRS program, and ensuring that consumers with hearing and speech disabilities can select among multiple VRS providers—just as voice telephone users do. While the Commission is obligated to ensure the efficiency of the VRS program, it cannot sacrifice functional equivalency in doing so. Moreover, it is the Commission's statutory obligation not to merely seek a short-term savings in an accounting sense; rather the Commission must consider the consequences of its actions in the long run. By supporting the continued participation of multiple providers, a tiered rate structure can help to prevent the VRS marketplace from devolving into a monopoly environment, thereby providing the Commission with much needed flexibility to consider other approaches that may improve efficiency. For example, one option the Commission may want to consider in the future is a reverse auction, in which multiple providers bid for offering service at the most efficient levels; but such an approach would not be feasible if all providers except one have been driven out of the market. A tiered rate structure allows the Commission to set rates that permit each provider an opportunity to recover its reasonable costs of providing VRS, without overcompensating those providers who have lower actual costs because, for example, they have reached a more efficient scale of operations.

24. The Commission also does not agree that tiered rate structures necessarily detract from providers' incentives to grow and increase their efficiency. As to growth incentives, while there could theoretically be a risk that a provider would ''put the brakes on'' its growth as it approached a tier boundary, a review of each providers' compensable minutes over the last few years does not suggest that providers' growth rates have been affected as their minutes approach a tier boundary. Moreover, to the extent there is such a

risk of generating perverse incentives, the Commission believes it can be effectively addressed by ensuring that tier boundaries are wide enough to cover a provider's likely growth during the life of the rate plan. As to efficiency incentives, because rates are being set for a period of several years, providers will have an incentive to reduce unnecessary costs so they can increase profits and minimize losses.

25. Further, the tiers set under this structure are not provider-specific. Rather, each tier is equally applicable to any provider's minutes that fall within that tier. Accordingly, under the tier structure the Commission adopts, the provider with both relatively large and relatively small volumes of minutes are each compensated at the higher (Tier I) rate for their first 1 million minutes, at a lower (Tier II) rate for additional minutes between 1,000,000 and 2,500,000, and at the lowest (Tier III) rate for any minutes over 2,500,000.

26. The Commission also declines to adopt at this time a plan for transitioning from tiered rates to a single rate structure. The anticipated developments that the Commission thought would eliminate any need for tiered rates have not materialized. Not only have structural reforms been delayed and reduced in scope, but expected gains in individual provider efficiency have not occurred, the largest VRS provider's current market share remains approximately the same, and there continue to be wide disparities among providers' cost structures. Thus, the Commission's experience to date does not provide sufficient confidence that transitioning to a single rate structure would be consistent with preserving the benefits of competition and ensuring the availability of VRS in the most efficient manner. With additional time, this situation may change. The full implementation of competition-promoting interoperability and portability standards, as well as the introduction of some new reforms in other areas, may offer greater opportunities for providers to compete more effectively with one another. Additionally, the Commission is currently gathering comment on service quality metrics, which, when defined, measured, and published, will enhance VRS competition by enabling consumers to make more informed decisions in their selection of their VRS providers. At a later time, the Commission can revisit the compensation rate structure issue as appropriate in light of such developments.

Alternative Approaches

27. The Commission concludes that alternative approaches to setting VRS rates proposed in the *FNPRM,* including reliance on price caps, market-price benchmarks, a reverse auction, and direct provision of VRS by common carriers, should not be adopted at this time.

28. *Price caps.* It is premature, at best, to commit to a price cap approach that involves setting an initial, single rate based on, for example, the costs of a ''reasonably efficient provider.'' Setting a single rate at any level that permits more than one provider to remain in the market would provide windfall profits to the lowest-cost provider, and the wasteful costs that such windfall profits would impose on the TRS Fund would be extremely high given the disparate cost structures of the current providers. Such costs will be imposed regardless of whether the single rate is set under a traditional cost-of-service methodology or as the ''initializing'' rate to kick off a price cap plan. Further, the Commission does not perceive any way in which price caps could significantly ameliorate the competition and inefficiency disadvantages the Commission has identified above that lead it to reject a single-rate approach. The multi-year, tiered transition plan being adopted will provide many of the same benefits as a price cap, such as predictability in rates and incentives to become more efficient. In addition, given that the weighted average of provider's historical costs has declined measurably over the last four years, the Commission does not believe that the use of such indices is necessary at this time to ensure that VRS providers can continue to recover their reasonable allowable costs, including a reasonable operating margin, over the next four years. Towards the end of the 2017–21 rate plan, there will be another opportunity to examine whether a price cap approach should be adopted in conjunction with whatever rate structure approach is selected for the next plan to maintain efficiency incentives going forward.

29. *Reverse auction.* Sorenson advocates the use of a reverse auction to set VRS rates, citing as models the auctions authorized by the Federal Energy Regulatory Commission (FERC) to set rates for supplying electricity, as well as those conducted by this Commission to allocate support for Mobility Funds and to select recipients of support under the Rural Broadband Experiments. However, the auction proposed by Sorenson differs significantly from these examples. The FERC and Commission auctions involved bidding for both price and quantity of the service to be supplied, while Sorenson's VRS proposal would require providers to bid a price that is not tied to a specific quantity. Additionally, the Commission auctions sought selection of a single provider for each service area, rather than multiple providers as in the VRS market. If a provider has no guarantee of serving a fixed number of minutes, each provider's bid will likely be based on current costs associated with the current number of minutes they provide at the time of bidding. Thus, while Sorenson argues that a reverse auction would promote competition, encourage greater efficiencies, and provide stability, it seems equally or more likely to have the opposite effect—producing a VRS rate that is either well above the average cost of providing service, or so low as to keep currently higher cost providers from continuing or new entrants from joining the market. The reverse auction proposal thus suffers from the same defects as other single-rate proposals—it forces a choice between setting a single rate so low as to preclude effective competition and setting it so high as to provide wasteful, windfall profits to the lowest-cost provider. In light of the absence of analogous models for successful implementation, and the other issues discussed above, the Commission declines to pursue a reverse auction approach at this time. The Commission does not rule out exploring this type of approach in the future, however, should new developments warrant revisiting it.

30. *Direct provision or procurement of VRS by common carriers.* The Commission also finds little benefit at this time in the alternative of terminating TRS Fund support for VRS and, instead, requiring common carriers to provide VRS directly or through contracts with TRS providers. Sorenson offers no supporting evidence for its claim that common carriers and other voice service providers could provide VRS more efficiently on a direct basis than indirectly, through their contributions to the TRS Fund. Further, no carrier has commented favorably on this proposal, while a carrier trade association, USTelecom, affirmatively opposes it. Accordingly, at the present time, the Commission has no basis to conclude that direct provision of VRS would advance the mandate to provide VRS in the most efficient manner or reduce the burden on TRS Fund contributors. Further, the Commission agrees with the non-dominant providers that competition and consumer choice

might not survive a transition to a direct-provision or direct-procurement approach. It may well be that common carriers would simply choose to work with the dominant, low-cost provider, rather than attempt to maintain provider choice for consumers.

31. *Market-based pricing generally.* While in 2013 the Commission indicated a strong interest in exploring a market-based approach, it did not commit to adopting any market-based approach, much less one that could prove less effective than cost-based alternatives for meeting the objectives of section 225 of the Act. Moreover, the market-based schemes proposed in 2013, which assumed there would be a transition to a single market-based rate, no longer appear to be as viable today as they did to the Commission at that time. Those proposals relied on the expected availability of pricing benchmarks that would in turn result from the establishment of a neutral video communications service platform. This platform has not been built, and based on the unsuccessful initial request for proposals for the platform and the general lack of interest in it shown by most existing providers, the Commission has decided not to move forward with its original plan to build this platform. Similarly, support is also lacking for the other market-oriented idea proposed by the Commission in 2013: an auction of calls to certain telephone numbers receiving a high volume of VRS calls.

Tier Structure and Rate Levels

32. *Emergent rate.* The Commission adopts its proposal to add an emergent rate to the tiered rate structure, applicable solely to providers that have no more than 500,000 total monthly minutes as of July 1, 2017. The Commission concludes that a separate rate structure for such providers is appropriate for a limited period to take into account the generally much higher cost of service for very small providers, encourage new entry into the program, and give such providers and new entrants appropriate incentives to grow. Rather than view an emergent rate as a subsidy for providers that have been unable to attract users, the Commission believes that this approach recognizes the still unbalanced structure of the VRS industry, as well as the incompleteness of VRS reforms intended to enhance competition. In light of the apparently fragile current state of VRS competition and the per-minute cost differentials, the Commission concludes it would be unwise at this time to subject two of the current four competitors to the dramatic rate reductions that would be necessary to fit them under the same tiered rate structure as the other two, much larger providers. Further, smaller providers may offer service features that are designed for niche VRS market segments or that may not be available through other providers and that are helpful in meeting the specific needs of particular VRS consumers. By providing an emergent rate, the Commission can increase the likelihood that, in the near term, even if no new entrants arrive, consumers can continue to select a service provider from four competitors instead of two.

33. In order to maintain incentives for growth and avoid subjecting emergent providers to a sudden drop in the rate applicable to all their minutes when they reach the 500,000-minute ceiling, providers who are initially subject to the emergent rate and who then generate monthly minutes exceeding 500,000 shall continue to be compensated at the otherwise applicable emergent rate (rather than the Tier I rate) for their first 500,000 monthly minutes, until the end of the four-year rate plan, *i.e.,* until June 30, 2021. Such providers shall be compensated at the otherwise applicable Tier I rate for monthly minutes between 500,000 and 1 million.

34. For emergent providers, the Commission adopts a $5.29 per minute rate for each year of the four-year plan. To the extent that these providers have demonstrated the ability to show consistent, substantial growth over the past years, provider cost projections indicate that this rate will afford such providers a reasonable opportunity to meet their expenses and earn some profit. The Commission expects that this opportunity should be enhanced with the implementation of provider interoperability and other competition-promoting measures, such as the development and publication of service quality metrics.

35. However, the Commission does not intend that this rate structure continue to apply to any currently operating providers after the end of the four-year rate plan adopted in document FCC 17–86. During the next four years, the provision of a special rate for emergent providers may not impose major costs on Fund contributors, but the likely benefits to consumers will also remain very limited unless these emergent companies manage to use this four-year window of opportunity to expand their market share. Therefore, after four years, the Commission intends that all existing providers, regardless of size, will be subject to the same rate structure (whether tiered or unitary) under the compensation scheme that then takes effect.

36. *Tiers I–III.* The Commission also adopts the proposed tier structure, in which a provider's monthly minutes up to 1,000,000 will be included in Tier I, monthly minutes between 1,000,001 and 2,500,000 in Tier II, and all monthly minutes above 2,500,000 in Tier III, with the highest rate applicable to Tier I minutes and the lowest rate applicable to Tier III minutes. Based on real-world evidence, which consistently shows the existence of substantial disparities among the per-minute costs incurred by VRS providers, which are broadly in-line with the similarly wide disparities in their volumes of minutes, the Commission concludes that there are likely to be substantial economies of scale in administrative costs, marketing, and other areas.

37. Further, the existence of persistent cost differences between the largest and lowest-cost VRS provider and its smaller competitors is undisputed. To maintain a competitive environment for the near term, the Commission's most realistic option is to set compensation rates that allow the few remaining VRS competitors an additional period of time to offer a competitive alternative to the lowest-cost provider, while reforms continue to be implemented. In this context, the Commission's primary concern is not to identify the exact extent of scale economies but to ensure that tiers reflect the disparate sizes and cost structures of current competitors. Further, as the Commission also recognized in 2013, significant potential harm to competition could result if the rate tier boundaries are too low and prevent smaller competitors from remaining in the market, while if the Commission sets the boundaries too high the only consequence will be that smaller, less efficient competitors may remain in the market longer than would otherwise be the case, resulting in somewhat higher expenditures from the Fund. With the intervening attrition in the number of VRS competitors, the Commission's preference is even greater today for striking a balance that emphasizes preserving competition.

38. The Commission expands the Tier I boundary to 1,000,000 minutes, in order to ensure that the ''emergent'' providers, as well as any new entrants, as they grow large enough to leave the ''emergent'' category, will be subject to a rate that reflects their size and likely cost structure and that is appropriately higher than the marginal rate applicable to larger and more efficient providers. Tier I, which also applies to the first 1,000,000 minutes of each larger provider, allows the Commission to set a rate that is high enough to ensure that each provider is able to cover its

relatively fixed, less variable costs. The Commission expands the Tier II boundary, as well, to 2,500,000 minutes, for similar reasons. Expanding the Tier II boundaries, which applies to the minutes of all providers in excess of the 1,000,000-minutes threshold and up to the 2,500,000-minutes ceiling, enables the Commission to set a rate that is appropriately lower than the Tier I rate, but higher than the rate for Tier III, which will currently apply only to the largest provider, whose per-minute costs are far lower than any other provider's. The Tier II rate can thus be set low enough to ensure that providers with more than 1,000,000 minutes are not compensated far in excess of their allowable costs, but high enough to ensure that such providers have an incentive to continue providing additional minutes of service. By increasing the upper boundary of this tier, as well as Tier I, the Commission also limits any risk of eroding a provider's incentive to continue growing as its monthly minutes approach a tier boundary. The lower Tier III rate, in turn, will appropriately be the marginal rate for the largest, lowest-cost provider.

39. *Application of rate tiers to commonly owned providers.* Regarding the recent merger of two VRS providers, Purple Communications, Inc. (Purple), and CSDVRS, LLC d/b/a ZVRS (ZVRS), there is disagreement among the commenters as to whether the compensation rate tiers should apply to these now-affiliated companies separately or on a consolidated basis, prior to their full consolidation. The VRS compensation system should be designed, as far as possible, to avoid creating undesirable incentives to exploit the tier structure by creating multiple subsidiaries for the provision of VRS. However, the consent decree that authorized the merger between ZVRS and Purple specifically includes language providing that the two entities will continue to operate and submit requests for compensation payments as separate VRS providers, and will be treated as separate entities for compliance purposes, for up to 36 months after the effective date (*i.e.,* until February 15, 2020), after which they will consolidate the operations of the two VRS providers. As applied here, that determination means that the two companies will be treated as separate entities for purposes of the tiered rate structure until February 14, 2020, or until such time that these companies consolidate their operations. After February 14, 2020, or from the date of consolidation if it takes place earlier, these companies will be treated as a single provider for purposes of the tiered rate compensation structure. To ensure compliance with this outcome, the Commission directs ZVRS to provide the Commission with 60 days notice prior to such consolidation.

40. *Rate period and adjustments.* As with the prior rate plan, the new rate plan will be four years in duration. A four-year period is long enough to offer a substantial degree of rate stability, thereby (1) giving providers certainty regarding the future applicable rate; (2) providing a significant incentive for providers to become more efficient without incurring a penalty; and (3) mitigating any risk of creating the ''rolling average'' problem previously identified by the Commission regarding TRS, in which the use of rates based on averaged provider costs, if recalculated every year, could leave some providers without adequate compensation, even if they are reasonably efficient. On the other hand, a four-year period is short enough to allow an opportunity for the Commission to reset the rates in response to substantial cost changes or other significant developments that may occur over time. Given the lack of support for continuing six-month adjustments, the Commission adopts the administratively simpler approach of having rate adjustments occur annually over the next four-year rate period.

41. *Rate Levels.* In setting rate levels, the Commission seeks to limit the likelihood that any provider's total compensation will be insufficient to provide a reasonable margin over its allowable expenses, and to limit the extent of any overcompensation of a provider in relation to its allowable expenses and reasonable operating margin. Further, the Commission seeks to avoid any risk of setting a rate for any tier that is either below the marginal cost of a provider subject to that tier or excessively above such marginal cost.

42. *Tier I Rate Level.* For this tier, the *FNPRM* sought comment on a range of possible rates—from $4.06 to $4.82 for the first year and from $3.74 to $4.82 for the fourth year. The current rate level of $4.06 per minute (in conjunction with the $3.49 rate currently applicable to a provider's minutes in excess of 1 million)—is too low to permit all providers to meet their allowable expenses and earn a reasonable operating margin. Instead, the Commission adopts the rate of $4.82 per minute recommended by the non-dominant providers, which will apply to all four years of the rate period. A Tier I rate at this level will allow all providers subject to it to recover their allowable expenses and earn an operating margin within the zone of reasonableness. This Tier I rate level also provides an appropriate incentive for emergent providers to grow their businesses beyond 500,000 minutes.

43. *Tier II.* The Commission adopts a Tier II rate of $3.97 per minute for all four years of the rate period. For this tier, the *FNPRM* sought comment on a range of possible rates—from $3.49 to $4.35 for the first year and from $3.08 to $4.35 for the fourth year. The $3.97 rate the Commission adopts is roughly in the middle of the range of Tier II options for the first year. The $4.35 per minute rate advocated by the non-dominant providers is higher than is necessary to allow providers to recover their allowable costs and earn a reasonable operating margin. On the other hand, the current rate level of $3.49, combined with the current Tier I level, is too low to permit all providers to earn a reasonable operating margin. Based on the data reported by providers, applying the $3.97 rate for all four years of the rate period, in conjunction with other applicable rates, will allow all providers subject to this rate to recover their allowable expenses and earn an operating margin within the zone of reasonableness the Commission has adopted. At $3.97, this rate is also above the allowable expenses per minute of any provider subject to the Tier II rate, thus minimizing the risk of deterring such a provider from increasing its VRS minutes. At the same time, the Tier II rate is at a level that, in conjunction with other applicable rates, limits any overcompensation of providers subject to it.

44. *Tier III.* For this tier, the *FNPRM* sought comment on a range of possible rates—from $2.83 to $3.49 for the first year and from $2.63 to $3.49 for the fourth year. The Commission concludes that the rate level for Tier III should be $3.21 in the first year and $2.63 per minute in the final year. The $2.63 rate is higher than the average allowable expenses per minute for the current provider subject to this tier, and, in conjunction with other applicable rates, will allow providers that fall into this tier to earn an operating margin over allowable expenses that is within the zone of reasonableness the Commission has adopted. However, because this rate is a substantial reduction from the current Tier III rate, a gradual transition to reach this rate level is appropriate. Accordingly, the Commission adopts a rate of $3.21 per minute for Fund Year 2017–18, the first year of the rate plan period. This continues the ongoing adjustment of the Tier III rate, under the previous rate plan, under which it dropped by $.38 per minute per year, as

the initial rate of $3.21 is $.38 below the approximate average ($3.59) of the $3.68 and $3.49 Tier III rates applicable during the 2016–17 Fund Year. The Tier III rate will be reduced by another $0.38 in Fund Year 2018–19, to a rate of $2.83 per minute. For the final two years, the Tier III rate will be $2.63 per minute.

45. Although Sorenson asserts that a proper analysis of VRS costs indicates the Tier III rate should be higher, the Commission does not rely on Sorenson's analysis for several reasons. First, projections for the second year out (in this case, 2018), which are included in Sorenson's analysis, historically have had a poor record of accuracy. Second, Sorenson's cost calculation includes costs that are not allowable, as well as a 15.9% operating margin, which is outside the zone of reasonableness the Commission has adopted.

46. *Aggregate effect of the rate levels adopted.* The approach adopted here effectively balances the Commission's overarching goal of maintaining competition and consumer choice with its obligation to administer the Fund in an efficient manner. When aggregated, if the tiered compensation rates currently in effect were to be extended for four more years, assuming the present growth of this service, compensation payments from the TRS Fund to VRS providers would be expected to total (over these four years) approximately $1,887,000,000. This figure would swell to approximately $1,925,000,000, were the Commission to adopt the single-rate approach proposed by Sorenson at the lowest rate that Sorenson deems acceptable—$3.73 per minute. This would not only result in an increase of about $38 million over extending the current rates, but also would stifle competition in the VRS market by likely eliminating all but one provider. By contrast, under the tiered rate plan adopted today, the Commission expects that the total cost to the TRS Fund will be approximately $1,835,000,000, which will produce a cost savings of approximately $52 million compared to current rates and preserve the competitive VRS environment that consumers now enjoy.

Other Compensation Matters

47. *Audits for providers receiving the emergent rate.* The existing, more generally applicable rules regarding audits are sufficient to address any accuracy issues regarding emergent providers' costs. Therefore, the Commission declines to adopt a separate, mandatory audit requirement for providers receiving the emergent rate. However, the Commission reminds all current and potential VRS providers that their costs may be subject to audit at any time to assure the accuracy and integrity of TRS Fund compensation rates and payments.

48. *Exogenous costs.* In general, the 2007 model for exogenous cost recovery is procedurally sufficient for addressing provider requests for compensation for exogenous costs. Substantively, given that the tiered rates set in document FCC 17–86 are intended to reduce VRS compensation rates in the direction of cost-based levels that have yet to be reached, the Commission adopts the following conditions to ensure that exogenous cost recovery does not result in increasing the disparity between Fund expenditures and actual provider costs. Providers may seek compensation for well-documented exogenous costs that (1) belong to a category of costs that the Commission has deemed allowable, (2) result from new TRS service requirements or other causes beyond the provider's control, (3) are new costs that were not factored into the applicable compensation rates, and (4) if unrecovered, would cause a provider's current allowable-expenses-plus-operating margin to exceed its VRS revenues.

49. *Effective date.* VRS compensation rates historically have been set prospectively and are normally not adjusted retrospectively unless an error has been made. In establishing the rates applicable to the current period, the Commission acted appropriately based on the record, and the Commission is not aware of any compelling reason to reconsider those ratemaking decisions. Further, while the Commission found it necessary in 2016 to retrospectively apply an emergency rate freeze with respect to the smallest VRS providers, the Commission does not find that a comparable emergency exists now necessitating further adjustment of rates for the same period for which they were already adjusted once on an emergency basis. Accordingly, the Commission declines to give the new rates retrospective effect back to January 1, 2017; rather, the rates the Commission adopts are effective as of July 1, 2017.

50. The Commission finds good cause to make the rule changes adopting a new four-year rate plan in document FCC 17–86 effective as of July 1, 2017. The current rate plan was scheduled to expire on June 30, 2017. Providers have been aware of this pending expiration since 2013, and have further been aware of the Commission's proposal to establish a new rate plan going forward. To avoid unnecessary disruption to VRS providers' operations and to ensure the ability of consumers to continue to place and receive VRS calls, the Consumer and Governmental Affairs Bureau (Bureau) recently acted to waive the June 30, 2017 expiration of the existing rates and directed Rolka Loube to continue compensating VRS providers at the prevailing rates, pending further action by the Commission.

51. As the Commission now takes action to establish a new four-year rate regime, the Commission directs Rolka Loube to compensate VRS providers at the applicable rates adopted herein for all compensable minutes of use incurred beginning July 1, 2017, except that, to ensure that the release of document FCC 17–86 after July 1 does not adversely affect any VRS provider, the Commission will not apply the reduction in Tier III rates to any compensable minutes of use incurred between July 1 and the release date of document FCC 17–86. To implement this provision (given that minutes of use are compensated on a monthly basis), the Commission directs Rolka Loube to compensate any provider with Tier III minutes in July 2017 at a rate of $3.49 per minute for the first *X* Tier III minutes, where *X* equals the number of compensable minutes of use incurred between July 1 and the release of document FCC 17–86. So if a VRS provider has no Tier III minutes in July 2017, this provision will not affect it; if a provider has *X* or fewer Tier III minutes, then all such minutes will be compensated at the higher $3.49 rate; and if a provider has more than *X* Tier III minutes, then it will receive $3.49 per minute for the first *X* Tier III minutes and $3.21 for all remaining Tier III minutes. The Commission also directs the Bureau to provide actual notice to known VRS providers by sending them a copy of document FCC 17–86.

52. *Historical Cost* vs. *Projected Costs.* For purposes of document FCC 17–86, a review of the past relationships between projected and actual costs indicates that the most reliable reference points for cost calculations when rates are set are the actual costs reported for the previous calendar year and the projected costs for the current calendar year. The least reliable reference point is the projected costs for the year after the current year. Accordingly, as a reference point for cost calculations for purposes of document FCC 17–86, the Commission uses the weighted average of each provider's actual costs and demand for 2016 and projected costs and demand for 2017.

Other Matters—Server-Based Routing

53. Under the TRS numbering rules, calls that involve multiple VRS

providers are routed based on the information provided in the TRS Numbering Directory. Section 64.613(a) of the Commission's rules currently requires that the Uniform Resource Identifier (URI) for a VRS user's telephone number contain the IP address of the user's device. However, the VRS Provider Interoperability Profile technical standard provides for the routing of inter-provider VRS and point-to-point video calls to a server of the terminating VRS provider rather than directly to a specific device. The technical standard thus specifies the use of call routing information that contains provider domain names, rather than user-specific IP addresses. To permit the implementation of the VRS Provider Interoperability Profile, which has been incorporated by reference into the Commission's rules, it is necessary to amend the TRS Numbering Directory rule. This change will foster the implementation of interoperability, thereby enhancing functional equivalence. In addition, allowing routing based on domain names will promote TRS regulation that ''encourage[s] . . . the use of existing technology and do[es] not discourage or impair the development of improved technology,'' as required by 47 U.S.C. 225(c)(2), and will improve the efficiency, reliability, and security of VRS and point-to-point video communications, thus advancing these important Commission objectives as well. The Commission also finds that server-based routing will not impair the Commission's ability to prevent waste, fraud, and abuse in the VRS program.

Other Matters—Research and Development

54. The Commission adopts its proposal in the *FNPRM* to direct the TRS Fund administrator, as part of annual ratemaking proceedings, to include in the proposed TRS Fund administrative budget an appropriate amount for Commission-directed research and development R&D. These funds will enable the Commission to ensure that TRS evolves with improvements in technology. Because the TRS Fund administrator previously submitted its recommended budget for the 2017–18 Fund Year without recommending a specific amount for R&D, the Commission also allocates $6.1 million from the TRS Fund to be used for R&D projects to be overseen by the Commission in the 2017–18 TRS Fund Year.

Other Matters—Repeal of the Neutral Video Communications Service Platform

55. The Commission adopts its proposal to delete the rule provisions relating to the neutral video communications service platform (Neutral VRS Platform). Although the Commission requested bids to build the Neutral VRS Platform, no acceptable bids were received, and the Commission canceled that procurement. Because no party has made any showing that the Commission should request new bids for the Neutral VRS Platform or otherwise expressed any interest in utilizing it, the Commission (i) removes §§ 64.601(a)(20) and (45), 64.611(h), and 64.617 and (ii) modifies §§ 64.604(b)(2)(iii), (b)(4)(iv), and (c)(5)(iii)(N)(*1*)(*iii*) and 64.606(a)(4) of the Commission's rules to eliminate references to the Neutral VRS Platform and VRS communications assistant (CA) service providers (the entities that would have made use of the platform).

Other Matters—Technical Correction to the VRS Speed-of-Answer Rule

56. In the *2013 VRS Reform Order,* the Commission modified § 64.604(b)(2)(iii) of the Commission's rules, the speed-of-answer rule, changing it from (a) a requirement to answer 80% of all VRS calls within 120 seconds, measured on a monthly basis, to (b) a requirement to answer 85% of all VRS calls (i) within 60 seconds, measured on a daily basis, by January 1, 2014, and (ii) within 30 seconds, measured on a daily basis, by July 1, 2014. The United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) vacated this aspect of the *2013 VRS Reform Order.* The court ruled that, pending further action by the Commission, its decision ''will have the effect of reinstating the requirement that 80% of VRS calls be answered within 120 seconds, measured on a monthly basis.'' The Commission therefore amends § 64.604(b)(2)(iii) of its rules to comply with the mandate of the D.C. Circuit and provide for a speed-of-answer requirement to answer 80% of all VRS calls within 120 seconds, measured on a monthly basis.

Order

57. In the Order (*2017 VRS Improvements Order*), FCC 17–26, published at 82 FR 28566, June 23, 2017, the Commission set aside the effectiveness of the VRS Provider Interoperability Profile technical standard until the Commission resolved the apparent conflict between the VRS Provider Interoperability Profile technical standard, under which VRS providers employ server-based routing, and the existing Commission rule, under which they must route calls based on the IP address of the user's device. Now that the Commission, in document FCC 17–86, has amended 47 CFR 64.613(a)(2) to permit server-based routing, the Commission reestablishes the effectiveness of the rule amendment incorporating the VRS Provider Interoperability Profile, adopted in the Report and Order (*2017 VRS Interoperability Order),* DA 17–76, published at 82 FR 19322, April 27, 2017.

Final Regulatory Flexibility Analysis

58. As required by the Regulatory Flexibility Act of 1980 (RFA), as amended, the Commission incorporated an Initial Regulatory Flexibility Analysis (IRFA) into the *FNPRM.* The Commission sought written public comment on its proposals in the *FNPRM,* including comment on the IRFA. No comments were received on the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

Need for, and Objectives of, the Proposed Rules

59. Document FCC 17–86 addresses server-based routing of VRS calls, and funding for Commission-directed R&D.

60. First, by amending TRS rules to permit server-based routing, document FCC 17–86 expands the ways that VRS calls can be routed. Under a new interoperability standard, calls may be routed to a server of the terminating VRS provider that serves multiple VRS users and devices, rather than directly to a specific device. This new routing method uses the providers' domain names, rather than user-specific IP addresses, as is currently required.

61. Second, the Commission directs the TRS Fund administrator, as part of future annual ratemaking proceedings, to include for Commission approval proposed funding for Commission-directed R&D. Such funding is necessary to continue to meet the Commission's charge of furthering the goals of functional equivalence and efficient availability of TRS.

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

62. No comments were filed in response to the IRFA.

Small Entities Impacted

63. The server-based routing rule amendment adopted in document FCC 17–86 will affect obligations of VRS Providers. These services can be

included within the broad economic category of All Other Telecommunications. Five providers currently receive compensation from the TRS Fund for providing VRS: ASL Services Holdings, LLC; CSDVRS, LLC; Convo Communications, LLC; Purple Communications, Inc.; and Sorenson Communications, Inc. The R&D funding will have no impact on VRS providers.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

64. Server-based call routing involves the use of domain names, and VRS providers using this method will need to keep records of such domain names. The domain names will then be processed as call routing information, just as other call routing information is processed currently. The funding for R&D will have no reporting, recordkeeping, or other compliance requirements.

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

65. Server-based call routing using domain names will be available to all VRS providers, will not be burdensome, and will advance interoperability. Greater interoperability will foster competition, thereby benefitting the smaller providers. To the extent there are differences in operating costs resulting from economies of scale, those costs are reflected in the different compensation rate structures applicable to large and small VRS providers.

66. The funding for R&D does not have any compliance or reporting requirements impacting small entities. Indeed, small entities are not covered by the rule.

67. No commenters raised other alternatives that would lessen the impact of any of these requirements on small entities vis-à-vis larger entities.

Federal Rules Which Duplicate, Overlap, or Conflict With, the Commission's Proposals

68. None.

Ordering Clauses

69. Pursuant to sections 1, 2, and 225 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, and 225, document FCC 17–86 is adopted, and part 64 of Title 47 is amended.

70. Pursuant to section 553(d)(3) of the Administrative Procedure Act, 5 U.S.C. 553(d)(3), and §§ 1.4(b)(1) and 1.427(b) of the Commission's rules, 47 CFR 1.4(b)(1), 1.427(b), the VRS compensation rates became effective on July 1, 2017.

71. A copy of document FCC 17–86 shall be sent by overnight mail, first class mail and certified mail, return receipt requested, to all known VRS providers.

72. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of document FCC 17–86, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 64

Incorporation by reference, Individuals with disabilities, Telecommunications relay services, Video relay services.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

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

Authority: 47 U.S.C. 154, 225, 254(k), 403(b)(2)(B), (c), 715, Pub. L. 104–104, 110 Stat. 56. Interpret or apply 47 U.S.C. 201, 218, 222, 225, 226, 227, 228, 254(k), 616, 620, and the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112–96, unless otherwise noted.

■ 2. Amend § 64.601 by:
■ a. Revising paragraph (a)(12);
■ b. Removing paragraph (a)(20);
■ c. Redesignating paragraphs (a)(14) through (19) as paragraphs (a)(15) through (20) and adding new paragraph (a)(14);
■ d. Revising paragraph (a)(26);
■ e. Removing paragraphs (a)(45) through (49);
■ f. Redesignating paragraphs (a)(27) through (44) as paragraphs (a)(30) through (47) and adding new paragraphs (a)(27) through (29); and
■ g. Revising newly redesignated paragraph (a)(30).

The additions and revisions read as follows:

§ 64.601 Definitions and provisions of general applicability.

(a) * * *

(12) *Default provider change order.* A request by an iTRS user to an iTRS provider to change the user's default provider.

* * * * *

(14) *Hearing point-to-point video user.* A hearing individual who has been assigned a ten-digit NANP number that is entered in the TRS Numbering Directory to access point-to-point service.

* * * * *

(26) *Point-to-point video call.* A call placed via a point-to-point video service.

(27) *Point-to-point video service.* A service that enables a user to place and receive non-relay video calls without the assistance of a CA.

(28) *Qualified interpreter.* An interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

(29) *Real-Time Text (RTT).* The term *real-time text* shall have the meaning set forth in § 67.1 of this chapter.

(30) *Registered Internet-based TRS user.* An individual that has registered with a VRS or IP Relay provider as described in § 64.611.

* * * * *

■ 3. Amend § 64.604 by revising paragraphs (b)(2)(iii), (b)(4)(iv), and (c)(5)(iii)(N)(*1*)(*iii*) to read as follows:

§ 64.604 Mandatory minimum standards.

* * * * *

(b) * * *

(2) * * *

(iii) *Speed of answer requirements for VRS providers.* VRS providers must answer 80% of all VRS calls within 120 seconds, measured on a monthly basis. VRS providers must meet the speed of answer requirements for VRS providers as measured from the time a VRS call reaches facilities operated by the VRS provider to the time when the call is answered by a CA—*i.e.,* not when the call is put on hold, placed in a queue, or connected to an IVR system. Abandoned calls shall be included in the VRS speed of answer calculation.

* * * * *

(4) * * *

(iv) A VRS provider leasing or licensing an automatic call distribution (ACD) platform must have a written lease or license agreement. Such lease or license agreement may not include any revenue sharing agreement or compensation based upon minutes of use. In addition, if any such lease is between two eligible VRS providers, the lessee or licensee must locate the ACD platform on its own premises and must utilize its own employees to manage the ACD platform.

* * * * *

(c) * * *

(5) * * *

(iii) * * *

(N) * * *

(*1*) * * *

(*iii*) An eligible VRS provider may not contract with or otherwise authorize any third party to provide interpretation services or call center functions (including call distribution, call routing, call setup, mapping, call features, billing, and registration) on its behalf, unless that authorized third party also is an eligible provider.

* * * * *

§ 64.606 [Amended]

■ 4. Amend § 64.606 by removing paragraph (a)(4).

§ 64.611 [Amended]

■ 5. Amend § 64.611 by removing paragraph (h).

■ 6. Amend § 64.613 by revising paragraph (a)(2) to read as follows:

§ 64.613 Numbering directory for Internet-based TRS users.

(a) * * *

(2) For each record associated with a VRS user's geographically appropriate NANP telephone number, the URI shall contain a server domain name or the IP address of the user's device. For each record associated with an IP Relay user's geographically appropriate NANP telephone number, the URI shall contain the user's user name and domain name that can be subsequently resolved to reach the user.

* * * * *

§ 64.617 [Removed]

■ 7. Remove § 64.617.

■ 8. Amend § 64.621 by revising paragraph (b)(1) to read as follows:

§ 64.621 Interoperability and portability.

* * * * *

(b) * * *

(1) Beginning no later than December 20, 2017, VRS providers shall ensure that their provision of VRS and video communications, including their access technology, meets the requirements of the VRS Provider Interoperability Profile.

* * * * *

[FR Doc. 2017–17225 Filed 8–21–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 96

[GN Docket No. 12–354; FCC 15–47]

Amendment of the Commission's Rules With Regard to Commercial Operations in the 3550–3650 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, via a non-substantive change request, the information collection requirements associated with Commercial Operations in the 3550–3650 MHz Band adopted in the Commission's *First Report and Order,* GN Docket No. 12–354, FCC 15–47. This document is consistent with the *First Report and Order,* which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of the requirements.

DATES: 47 CFR 96.49, published at 80 FR 36163, June 23, 2015, is effective on August 22, 2017.

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

SUPPLEMENTARY INFORMATION: This document announces that, on August 7, 2015, OMB approved, via a non-substantive change request, the information collection requirements associated with two technical rules (47 CFR 96.49 and 96.51) adopted in the Commission's *First Report and Order,* FCC 15–47, published at 80 FR 36163, June 23, 2015. The OMB Control Number is 3060–0057. The Commission publishes this document as an announcement of the effective date of the requirements. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Number 3060–0057 in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.*

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

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on August 7, 2015, for the non-substantive change to information collection requirements contained in the Commission's rules at 47 CFR 96.49 and 96.51. Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Numbers is 3060–0057.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

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

OMB Control Number: 3060–0057.

OMB Approval Date: August 7, 2015.

OMB Expiration Date: May 31, 2020.

Title: Application for Equipment Authorization, FCC Form 731.

Form Number: FCC Form 731.

Respondents: Business or other for-profit entities and state, local or tribal government.

Number of Respondents and Responses: 3,740 respondents and 22,250.

Estimated Time per Response: 35 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 154(i), 301, 302, 303(e), 303(f) and 303(r).

Total Annual Burden: 778,750.

Annual Cost Burden: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The FCC adopted a First Report and Order, FCC 15–47, for commercial use of 150 megahertz in the 3550–3700 MHz (3.5 GHz) band and a new Citizens Broadband Radio Service, published at 80 FR 36163, June 23, 2015. 3.5 GHz Band users will use Citizens Broadband Radio Service Devices (CBSDs) to operate, which are fixed stations, or networks of such stations that fall under two categories, Category A CBSDs, which operate at lower power, or Category B that operate at a higher power. The rules require compliance with information requirements contained in the First Report and Order already accounted for and approved under this Office of Management and Budget (OMB) control

number and have not changed since they were last approved by OMB. The rules contain information collection requirements necessary for the Commission to determine compliance of proposed equipment with its rules.

The following is a description of the information collection requirements for which the Commission received OMB approval:

Section 96.49—Equipment Authorization: (a) Each transmitter used for operation under this part and each transmitter marketed as set forth in section 2.803 of this chapter must be of a type which has been certificated for use under this part. (b) Any manufacturer of radio transmitting equipment to be used in these services must request equipment authorization following the procedures set forth in subpart J of part 2 of this chapter.

Section 96.51—RF Safety: Licensees and manufacturers are subject to the radio frequency radiation exposure requirements specified in sections 1.1307(b), 1.1310, 2.1091, and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of Mobile or Portable devices operating under this section must contain a statement confirming compliance with these requirements for both fundamental emissions and unwanted emissions and technical information showing the basis for this statement must be submitted to the Commission upon request.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–17637 Filed 8–21–17; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 218

[Docket No. 170201135–7754–02]

RIN 0648–BG65

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the U.S. Air Force 86 Fighter Weapons Squadron Conducting Long Range Strike Weapons System Evaluation Program at the Pacific Missile Range Facility at Kauai, Hawaii

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

ACTION: Final rule.

SUMMARY: Upon application from the U.S. Air Force (USAF) 86 Fighter Weapons Squadron (hereinafter referred to as 86 FWS), NMFS is issuing regulations under the Marine Mammal Protection Act (MMPA) for the taking of marine mammals incidental to Long Range Strike (LRS) Weapons System Evaluation Program (WSEP) exercises on the Barking Sands Underwater Range Expansion (BSURE) of the Pacific Missile Range Facility (PMRF) off Kauai, Hawaii. These regulations allow NMFS to issue a Letter of Authorization (LOA) for the incidental take of marine mammals during the USAF 86 FWS's specified activities carried out during the rule's period of effectiveness, set forth the permissible methods of taking, set forth other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat, and set forth requirements pertaining to the monitoring and reporting of the incidental take. The specific activities are classified as military readiness activities.

DATES: Effective on August 21, 2017, through August 22, 2022.

ADDRESSES: To obtain an electronic copy of the USAF 86 FWS's LOA application or other referenced documents, visit the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental/military.htm.* Documents cited in this notice may also be viewed, by appointment, during regular business hours, at 1315 East-West Highway, SSMC III, Silver Spring, MD 20912.

FOR FURTHER INFORMATION CONTACT: Jaclyn Daly, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Availability

A copy of the 86 FWS's LOA application, NMFS proposed rule (82 FR 21156; May 5, 2017), the 86 FWS's *Final Environmental Assessment/Overseas Environmental Assessment (EA/OEA) for the Long Range Strike Weapon Systems Evaluation Program at Kauai, Hawaii,* and NMFS Finding of No Significant Impact (FONSI) may be obtained by visiting the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental/military.htm.* Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address (see **ADDRESSES**).

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1371(a)(5)(A)) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region for up to five years if, after notice and public comment, the agency makes certain findings and issues regulations that set forth permissible methods of taking pursuant to that activity, as well as monitoring and reporting requirements. Section 101(a)(5)(A) of the MMPA and the implementing regulations at 50 CFR part 216, subpart I provide the legal basis for issuing this rule and any subsequent LOA pursuant to those regulations. As directed by this legal authority, this final rule contains mitigation, monitoring, and reporting requirements.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the Secretary sets forth permissible methods of taking and other means of effecting the least practicable impact on the species or stock and its habitat. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

The National Defense Authorization Act for Fiscal Year 2004 (Section 319, Pub. L. 108–136, November 24, 2003) (NDAA of 2004) removed the ''small numbers'' and ''specified geographical region'' limitations indicated earlier and amended the definition of harassment as it applies to a ''military readiness activity'' to read as follows (Section 3(18)(B) of the MMPA, 16 U.S.C. 1362(18)(B)): ''(i) Any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild'' (Level A Harassment); ''or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered'' (Level B Harassment).

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review the

proposed action (*i.e.,* the issuance of regulations and an LOA) with respect to potential impacts on the human environment.

Accordingly, NMFS has adopted the 86 FWS's EA/OEA, after an independent evaluation of the document found that it included adequate information analyzing the effects on the human environment of issuing incidental take authorizations. The 86 FWS made the draft EA/EOA available for public comment from July 27 through August 26, 2016; no public comments were received. The final EA/EOA is available at *http://www.afcec.af.mil/What-We-Do/Environment/Pacific-Range-Strike-Environmental-Assessment/.* On August 11, 2017, NMFS issued a Finding of No Significant Impact (FONSI) which is available for review at *http://www.nmfs.noaa.gov/pr/permits/incidental/military.htm.*

Summary of Request

On December 21, 2016, NMFS received an adequate and complete application from the 86 FWS for regulations for the taking of 16 species of marine mammals representing 16 stocks incidental to LRS WSEP activities in the BSURE area of the PMRF off Kauai, Hawaii. On January 6, 2017, we published a notice of receipt of the 86 FWS's application in the **Federal Register** (82 FR 1702), requesting public comment. We considered those comments and subsequently published a notice of proposed rulemaking in the **Federal Register** on May 5, 2017 (82 FR 21156), again requesting public comments. Since publishing the proposed rule, the 86 FWS revised the number of munitions it would deploy annually, significantly decreasing the amount of live weapon explosions per year. This decreases the number of anticipated and authorized takes for this activity (see ''Estimated Take'' section) compared to what was presented in the proposed rule. In addition, the USAF 86 FWS has worked with NMFS to greatly enhance marine mammal monitoring, resulting in increased detection probabilities, and thereby decreasing the likelihood of take of marine mammals.

NMFS previously issued an incidental harassment authorization (IHA) to the 86 FWS authorizing the taking of marine mammal species incidental to similar activities in 2016 (81 FR 67971; October 3, 2016). The 86 FWS complied with all the requirements (*e.g.,* mitigation, monitoring, and reporting) of the previous IHA; information regarding their monitoring results may be found in the *Potential Effects of the Specified Activities on Marine Mammals and their Habitat* section of this final rule.

Summary of Major Provisions Within the Final Rule

Following is a summary of some of the major provisions applicable to 86 FWS's LRS WSEP training missions. We have determined that 86 FWS's adherence to the mitigation, monitoring, and reporting measures included in this rule would achieve the least practicable adverse impact on the affected marine mammals. The provisions, which are generally designed to minimize the duration and total volume of explosive detonations, include:

- Restricting missions to daylight hours, only on weekdays, and only during the summer (June through August) or fall (September through November) months.
- Limiting activity to one mission per calendar year with the 2017 mission limited to one day (dropping 8 small diameter bombs only) and the 2018 through 2022 missions limited to 4 days of training over a 5-day period. We note the proposed rule stated that training would occur for five days per mission; however, the 86 FWS has clarified the fifth day is a contingency day and no training will occur on the fifth day if the scheduled four days of training are completed.
- Limiting each mission day to four hours of training. This training duration limitation was presented in the proposed rule.
- Reducing the number and type of munitions. We note this constitutes a 40 to 92 percent reduction in total munitions from the proposed rule depending upon mission year.
- Conducting a systematic aerial survey covering 8 miles (mi) (13 kilometers (km)) using military aircraft equipped with sensor pods (*e.g.,* Sniper advanced targeting pods) before, during and after each training day. A helicopter-based survey (*i.e.,* the monitoring method presented in the application and proposed rule) will take place only as back-up should a sensor not be available. This monitoring plan is to be implemented in lieu of the helicopter surveys included in the proposed rule.
- Monitoring for marine mammals within the weapon impact area using range cameras stationed on Makaha Ridge before, during and after training each mission day. This requirement constitutes an additional method of monitoring for marine mammals that was not included in the proposed rule.
- Delaying mission activities if a marine mammal is observed in the designated exclusion zone (2.3 mile (mi) (3,704 m) for all missions and delaying missions if a marine mammal is observed within the Level A and/or Level B harassment zone but no take is authorized, resuming only after the animal is observed exiting the exclusion zone or the exclusion zone has been clear of any additional sightings for a period of 30 minutes. In the proposed rule, a mitigation measure was included that required mission delays if a protected species was observed within an impact zone; however, we have authorized the taking of marine mammals; therefore, this measure has been altered to a more practicable, consistent, and specified distance from the target site, which would avoid take in a manner that is not authorized (*e.g.,* mortality, slight lung injury, Level A harassment of mid-frequency cetaceans).
- Shifting the target site as far from a marine mammal observation as possible if it has been determined the mission may continue without taking a marine mammal in a manner not authorized. This mitigation measure is new to the final rule in an effort to further minimize impacts to marine mammals.
- Delaying missions if adverse weather conditions impair the ability of aircraft to operate safely. This measure was included in the proposed rule.
- Notifying NMFS Pacific Islands Regional Office (PIRO) and Pacific Islands Region Marine Mammal Stranding Network of scheduled mission activities at least 72 hours prior to executing training exercises, within 24 hours of mission completion, and immediately if a dead or injured marine mammal is sighted.
- Submitting a report of marine mammal surveys and LRS WSEP activities to the Office of Protected Resources (OPR) and PIRO 90 days after expiration of the current authorization. If subsequent regulations and LOA are requested, a draft report will be included with the incidental take authorization application.
- Collecting passive acoustic monitoring (PAM) data using the U.S. Navy's hydrophones on the PMRF range before, during, and after LRS WSEP missions. These data will be stored at the Space and Naval Warfare Systems Command (SPAWAR) and analyzed to better understand the effects of WSEP training activities on marine mammals. A report will be submitted to NMFS 90 days after expiration of this rule or included with an application requesting future MMPA authorizations, whichever is first. Please see the *Monitoring and Reporting* section for more details.
- Delaying training if an unauthorized take of a marine mammal (*i.e.,* mortality or serious injury; take of marine mammal species not authorized) occurs, and reporting the incident to

OPR, PIRO, and the Pacific Islands Region Stranding Network representative immediately followed by a report to NMFS within 24 hours.

• Notifying OPR, PIRO, and the Pacific Island Region Stranding Network immediately, should a marine mammal be sighted that is dead or seriously injured, when such mortality or injury is clearly not a result of LRS WSEP activities (*e.g.,* exhibiting advanced decomposition and/or scavenger wounds).

Detailed Description of the Specified Activity

The proposed rule (82 FR 21156; May 5, 2017) and the 86 FWS EA/OEA include a complete description of the USAF's specified training activities for which NMFS is authorizing incidental take of marine mammals in this final rule. Surface and sub-surface detonations are the stressors most likely to result in impacts on marine mammals that could rise to the level of harassment. The aforementioned documents can be found at *http://www.nmfs.noaa.gov/pr/permits/incidental/military.htm*). The description of location, delivery aircraft, and weapon types remain unchanged, and we incorporate this description by reference, and provide a summary below. However, the 86 FWS has reduced the amount of live (containing explosive charges) missiles and bombs and duration of each mission that would occur under this rule, and we provide more detailed information below.

The LRS WSEP test objective is to conduct operational evaluations of long range strike weapons and other munitions as part of LRS WSEP operations to properly train units to execute requirements within Designed Operational Capability Statements, which describe units' real-world operational expectations in a time of war. LRS WSEP objectives are to evaluate air-to-surface and maritime weapon employment data, evaluate tactics, techniques, and procedures in an operationally realistic environment and to determine the impact of tactics, techniques, and procedures on combat Air Force training.

Mission training will take place on the U.S. Navy's PMFR. The PMRF is the world's largest instrumented, multi-dimensional testing and training missile range, covering over 1,100 square miles (2,800 km^2) of instrumented underwater range and over 42,000 square miles (109,000 km^2) of controlled airspace. Within the PMRF, activities would occur only in the BSURE area, which lies in Warning Area 188A (W–188A). Specifically, the impact area is in the most northern portion of the BSURE approximately 44 nautical miles (nmi) (81 km) offshore of Kauai, Hawaii, in a water depth of about 15,240 feet (ft) (4.6 km) (see Figure 2–2 of 86 FWS's application). The BSURE is outfitted with 41 recently installed replacement hydrophones with response of approximately 50 hertz (Hz) to 48 kHz. The 18 legacy BSURE hydrophones (some not operational) have responses of approximately 100 Hz to 19 kHz and are located in similar positions to some of the replacement hydrophones. Hydrophones spacing ranges from approximately 13,123 ft (4 km) to over 22,966 ft (7 km), in water depths ranging from 5,577 ft (1.7 km) to 15,412 ft (4.7 km).

LRS WSEP training missions, classified as military readiness activities, refer to the deployment of live (containing explosive charges) missiles and bombs from aircraft toward the water surface. Depending on the requirements of a given mission, munitions may be inert (containing no explosives or only a ''spotting'' charge) or live (containing explosive charges). Live munitions may detonate above, at, or slightly below (10 ft (3 m)) the water surface.

Air-to-surface training missions include testing of the Joint Air-to-Surface Stand-off Missile/Joint Air-to-Surface Stand-off Missile-Extended Range (JASSM/JASSM–ER), Small Diameter Bomb-I/II (SDB–I/II), High-speed Anti-Radiation Missile (HARM), Joint Direct Attack Munition/Laser Joint Direct Attack Munition (JDAM/LJDAM), and Miniature Air-Launched Decoy (MALD), including detonations above the water, at the water surface, and slightly below the water surface (Table 1). The JASSM is a stealthy precision cruise missile designed for launch outside area defenses against hardened, medium-hardened, soft, and area type targets. The JASSM has a range of more than 200 nmi (370 km) and carries a 1,000-lb warhead with approximately 300 lbs of 2,4,6-trinitrotoluene (TNT) equivalent net explosive weight (NEW). The specific explosive used is AFX–757, a type of plastic bonded explosive (PBX). The SDB–I is a 250-lb air-launched GPS–INS guided weapon for fixed soft to hardened targets. SDB–II expands the SDB–I capability with network enabling and uses a tri-mode sensor infrared, millimeter, and semi-active laser to attack both fixed and movable targets. Both munitions have a range of up to 60 nmi (111 km). The SDB–I contains 37 lbs of TNT-equivalent NEW, and the SDB–II contains 23 lbs NEW. The explosive used in both SDB–I and SDB–II is AFX–757. The HARM is a supersonic air-to-surface missile designed to seek and destroy enemy radar-equipped air defense systems. It has a range of up to 80 nmi (148 km) and contains 45 lbs of TNT-equivalent NEW. The explosive used is PBXN–107. The JDAM is a smart GPS–INS weapon that uses an unguided gravity bomb and adds a guidance and control kit, converting it to a precision-guided munition. The LJDAM variant adds a laser sensor to the JDAM, permitting guidance to a laser designated target. Both JDAM and LJDAM contain 192 lbs of TNT-equivalent NEW with multiple fusing options, with detonations occurring upon impact or with up to a 10-millisecond delay. The MALD is an air-launched, expendable decoy with ranges up to 500 nmi (926 km) to include a 200 nmi (370 km) dash with a 30-minute loiter mode. It has no warhead, and no detonation would occur upon impact with the water surface.

Mission aircraft may consist of fighter aircraft including F–16, F–15, A–10, and bombers such as B–1 and B–52. Weapon deployment will occur from at least one aircraft. These aircraft will be outfitted with sensors (*e.g.,* target sniper pods) capable of observing very small targets from high altitudes and multiple miles away. Support aircraft associated with range clearance activities before and during the mission, air-to-air refueling operation support, and chase aircraft will also be outfitted with these sensors. Aircraft supporting LSR WSEP missions would primarily operate at high altitudes—only flying below 3,000 ft for a limited time as needed for escorting non-military vessels outside the hazard area or for monitoring the area for protected marine species (*e.g.,* marine mammals and sea turtles).

All munitions would be detonated within a four hour timeframe daily. Since the publication of the proposed rule, the USAF clarified the five mission days described in the proposed rule actually constitute four bombing days and one day set aside as contingency (*e.g.,* if weather or logistics prevent detonations on one of the four training days). In addition, the 86 FWS revised the extent of their mission by greatly reducing the amount of live munitions used each year. In total over the life of these regulations, the original amount of live munitions dropped would have been 530; however, that is now reduced to 220 live bombs and missiles for a total 5-year reduction of 58 percent. The amount of weapon reduction per year is provided in Table 1.

TABLE 1—MAXIMUM AMOUNT OF MUNITIONS, BY TYPE, TO BE RELEASED BY THE USAF 86 FWS

Type of munition	NEW (lb)	Detonation scenario	Number of proposed live weapon releases									
			2017		2018		2019		2020		2021	
			Original	Final	Original	Final	Original	Final	Original	Final	Original	Final
JASSM/JASSM–ER	300	Surface	6	0	6	2	6	4	6	4	6	4
SDB–I	37	Surface	30	8	30	14	30	14	30	14	30	14
SDB–II	23	Surface	30	0	30	0	30	10	30	16	30	20
HARM	45	Surface	10	0	10	6	10	6	10	10	10	10
JDAM/LJDAM	192	Subsurface [1]	30	0	30	16	30	16	30	16	30	16
Annual Total			106	8	106	38	106	50	106	60	106	64
% Reduction			92%		64%		53%		43%		40%	

Releases of live ordnance associated with missions conducted under this rule would result in either airbursts, surface detonations, or subsurface detonations (10 ft (3 m) water depth). Up to four SDB I/II munitions could be released simultaneously, such that each ordnance would hit the water surface within a few seconds of each other. Aside from the SDB–I/II releases, all other weapons would be released separately, impacting the water surface at different times. Prior to weapon release, a range sweep of the hazard area would be conducted by participating mission aircraft or other appropriate aircraft, potentially including S–61N helicopter, C–26 aircraft, fighter aircraft (F–15E, F–16, F–22), or the Coast Guard's C–130 aircraft, to clear the area of civilian vessels and aircraft. The size and shape of the hazard area is determined by the maximum distance a weapon could travel in any direction during its descent and typically adjusted for potential wind speed and direction, resulting in a maximum composite safety footprint for each mission (each footprint boundary is at least 10 nmi from the Kauai coastline).

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see the *Mitigation* and *Monitoring and Reporting* sections).

Comments and Responses

A notice of receipt of USAF 86 FWS's application published in the **Federal Register** on January 6, 2017 (82 FR 1702). NMFS published a proposed rule in the **Federal Register** on May 5, 2017 (82 FR 21156). During the 30-day public comment period on the proposed rule, NMFS received comments from the Marine Mammal Commission (MMC), Dr. Robin Baird from Cascadia Research Collective (CRC), Earthjustice on behalf of the Animal Welfare Institute, Center for Biological Diversity, Conservation Council for Hawai'i, Natural Resources Defense Council, and the Ocean Mammal Institute (herein after ''EarthJustice''), the Center for Regulatory Effectiveness (CRE), and 18 members of the general public. Following are the comments received and NMFS' responses.

Comment 1: The MMC was concerned that the methods used by the USAF to estimate range-to-effects (*i.e.,* distances to various thresholds) are overly conservative and do not match the range-to-effects produced by the Navy included in the Navy's Draft Environmental Impact Statement/ Overseas Environmental Impact Statement (DEIS) and Letter of Authorization Application for Training and Research, Development, Test, and Evaluation within the Hawaii-Southern California Fleet Training and Testing Study Area (HSTT) for Phase II. The MMC recommended NMFS review the USAF and Navy's modeling of range-to-effects to ensure the results are comparable for similar munitions at the various thresholds, including the same trends in range-to-effects based on the same metric (*i.e.,* SEL vs SPL_{peak}). The MMC subsequently recommended NMFS revise the estimated numbers of takes based on any changes to the range-to-effects, and thus impact areas, after comparison with the Navy ranges.

NMFS Response: The acoustic and take estimate models used by the USAF were thoroughly reviewed by NMFS acoustic experts. While we understand this approach is more simplistic than the sophisticated models used by the Navy and result in more conservative ranges to effects and take numbers, the USAF methods are scientifically sound. Every depth bin was treated independently; therefore, each has its own range-to-effects associated with it. The ranges to which the MMC refers (Table 5 in the proposed rule) represent the maximum estimated range, or radius, from the detonation point to the point for any depth bin at which the various thresholds extend for all munitions proposed to be released in a 24-hour time period. Total exposures (takes) were found by taking the volume of a disk with a given thickness in depth and radius equal to the range-to-effect for that depth bin, multiplied by the dive-profile-weighted animal densities, and then summing all of those density-weighted disk volumes. The mitigation range is based on the maximum range, regardless of which depth that occurs, rather than some average range over depth bins or just the near-surface bins. Further, instead of assuming equal density throughout the water column, they combined marine mammal density (obtained from the Navy's Marine Species Density Database (U.S. Department of the Navy, 2016) with depth information so that impact estimates are based on three-dimensional density distributions. NMFS believes this is an appropriate and acceptable approach to determine the number of takes, by species, requested and authorized.

Since development of the proposed rule, 86 FWS has reduced the amount of munitions it intends to detonate each year and clarified that each mission would only occur for a maximum of four days, annually, which represents a reduction from the proposed rule. The five days included in the proposed rule included one contingency day (*e.g.,* if poor weather or technical difficulty prevents one day of training). Further, the 86 FWS confirmed in 2017, the mission consists of dropping eight small diameter bombs in one day. However, the 86 FWS will retain the same 8 mi (13 km) monitoring zone as in the proposed rule.

Comment 2: Multiple commenters expressed concern that the proposed aerial survey that would occur prior to mission exercises and designed to trigger mitigation (*e.g.,* shut down, delay of mission) is insufficient to minimize impacts on marine mammals for several reasons, including low detection probability in high sea states, especially for inconspicuous and elusive animals

such as dwarf sperm whales and beaked whales, as well as potentially using an inappropriate survey platform which may fly at altitudes and survey speeds prohibiting visual detection. They also noted the range is not in the lee of the island; therefore, sea states rating higher on the Beaufort scale are common.

NMFS Response: The 86 FWS is required to conduct their missions in a variety of sea states and marine conditions that would be operationally realistic, while still considering the safety of mission personnel. Therefore, no restrictions on sea state are included in the proposed or final rule. However, NMFS recognizes the efficacy of aerial surveys at detecting marine mammals is reduced as sea surface conditions deteriorate, particularly for deep diving and more cryptic cetaceans (*e.g.,* beaked whales). Therefore, we re-assessed the survey design, in concert with practicability, and worked with the 86 FWS to develop a more robust monitoring plan. As a result, the 86 FWS will substitute the helicopter survey platform with military aircraft (*e.g.,* F–16) equipped with aircraft sensors (*e.g.,* SNIPER target pods) capable of operating in high-definition forward-looking infrared (FLIR), high-definition television modes using synthetic aperture radar (SAR), or other operational sensors. The sniper pod hangs from the underbelly of the plane and, in this case, the pod would be used to ''target'' observations of marine mammals. The capabilities of the instrumentation within aircraft far exceeds that of the naked eye. It is believed that using these assets in addition to conducting visual surveys will provide multiple opportunities to ensure that marine mammals potentially on or near the water surface within the required survey areas will be identified and can thus be avoided. In addition, because pilots are equipped with these sensors while in route to launch the bomb or missile, they will be monitoring for marine mammals on the flight path to the weapon impact area, allowing for monitoring up until right before missile/bomb detonation. Pre-during, and post-mission day survey protocol is fully described in the 86 FWS Mitigation and Monitoring Plan available at *http://www.nmfs.noaa.gov/pr/permits/incidental/military.htm.*

The 86 FWS will retain the option of using a helicopter to conduct the surveys should the target pods malfunction; however, this is not the preferred aerial platform.

Comment 3: Multiple commenters recommended the 86 FWS should utilize the Navy's MR3 hydrophones on the FRMP to conduct passive acoustic monitoring (PAM) for mitigation purposes. That is, the hydrophones should be monitored in real-time and used to call for mission delays or shut-downs. One commenter supplemented this recommendation by providing information that the instrumented hydrophone range at PMRF has frequently been used for real-time detection, classification and localization (DCL) of marine mammals on the range as part of research activities (Baird *et al.,* 2016; Baird *et al.,* 2015; Baird *et al.,* 2012) and that CRC has participated in 10 different field efforts off PMRF working in conjunction with the Navy to respond to marine mammals that are detected acoustically through the hydrophone system. Those efforts led the Navy to successfully direct a CRC small vessel to a variety of species of marine mammals on the range, including sperm whales, short-finned pilot whales, false killer whales, Blainville's beaked whales, bottlenose dolphins, and rough-toothed dolphins, demonstrating that groups can be successfully localized and classified as to species using this method. The MMC also noted Helble *et al.* (2015) indicated they were able to track multiple animals on PMRF hydrophones in real time, including humpback whales, a species that can be problematic to localize. The MMC also cited Martin and Matsuyama (2015) as support that tracking of baleen whales is possible on the range.

NMFS Response: The efficacy of localizing on marine mammals is dependent on multiple factors: (1) Where on the range the animals are located (due to differences in hydrophone spacing and bandwidth), (2) what species are present and the types and regularity of vocalizations produced (echolocation clicks or infrequent whistling are difficult or impossible to use for localizations in real time), and (3) the capabilities and knowledge of the personnel conducting the localizations. The proposed rule described NMFS' efforts to work with the 86 FWS and the Navy to investigate using PAM as a mitigation support tool and identifies the limitations of this technology at detecting, localizing, and identifying marine mammals to a degree that would be sufficient to warrant a shut down or delay in mission. The proposed rule outlined three primary limiting factors: (1) To develop an estimated position for an individual, it must be vocalizing for an extended duration and its vocalizations must be detected on at least three hydrophones; (2) small odontocetes and deep divers (*e.g.,* beaked whales) echolocate with a directed beam that makes detection of the call on multiple hydrophones difficult, and (3) the position estimation process must occur in an area with hydrophones spaced to allow the detection of the same echolocation click on at least three hydrophones (a spacing of less than four km in water depths of approximately two km is preferred). However, NMFS further investigated using PAM to trigger mitigation.

We reviewed the aforementioned reports cited in the comment letter and determined the weapon impact area used for LRS WSEP activities, which is located at the very north end of the PMRF underwater range, has significant technical differences in PAM capabilities compared to the majority of areas where the researchers have been directed to study marine mammals for the Navy. The PMRF is comprised of three distinct regions: The SWTR, BSURE and Barking Sands Tracking Underwater Range (BARSTUR). The SWTR (Shallow Water Test Range) is the closest to shore and in the shallowest waters and comprises the smallest physical area with hydrophones. The majority of PMRF's hydrophones (118, although many are not operational) are at SWTR, and all are high pass filtered at ~10 kHz and located relatively close together (hydrophone spacing is designed to be a function of depth). The second largest area is the BARSTUR at 13.3 percent the size of BSURE, located just south of BSURE in shallower waters with 42 hydrophones (some not operational). Thirty six of the hydrophones are high pass filtered at ~10 kHz. Six BARSTUR hydrophones have lower frequency response (*i.e.,* ~ 100 Hz to ~ 48 kHz).

The largest and most northern area is the BSURE and is where the weapon impact area is located. The BSURE has 41 recently installed ''replacement'' hydrophones with response ~50 Hz to 48 kHz. The 18 legacy BSURE hydrophones (some not operational) have response ~100 Hz to ~ 19 kHz and are located in similar positions to some of the replacement hydrophones. Hydrophones spacing ranges from approximately 4 km to over 7 km, in water depths ranging from 1.7 km to 4.7 km. In summary, the detection and localization capabilities on PMRF are not uniform throughout the range due to the number of hydrophones, frequency response, spacing, and depth logistics. For example, the depth and spacing of hydrophones in the BSURE is much greater (*i.e.,* deeper and farther apart) than in the SWTR and BARSTUR where the cited marine mammal tagging research effort using PAM detection assistance was concentrated. In addition, all hydrophones in the BSURE

are located south of the weapon impact area; making the ability to detect and localize animals off the range (*i.e.,* to the north of the impact area) even more improbable. Finally, the process for localizing humpback whales in Helble *et al.* (2015) was fully performed using recorded data in the laboratory with Matlab algorithms, not in real-time at PMRF. The paper did mention the algorithm as being suitable for real-time application; however, additional software work is required before the algorithm can be implemented into the M3R real-time system. The processing speed for localizing humpback whales in Helble *et al.* (2015) was also described as being ''five times faster than real time'' but that is describing the ability to process five days of recorded data in the laboratory in one day, which is important for processing large recorded data sets.

For these reasons as well as those cited in the proposed rule, NMFS has not included a requirement to use PAM to trigger mitigation. We note the U.S. Navy also does not use PAM to trigger mitigation on the PMRF. However, per the 86 FWS's Mitigation and Monitoring Plan, the 86 FWS will collect acoustic data and provide a report to NMFS upon expiration of the LOA (or concurrent with a future LOA application, whichever is first) informing the potential impacts of the missions on marine mammals (see the *Monitoring and Reporting* section). The 86 FWS will utilize sensor pods and range cameras capable of detecting marine mammals before and during missions to trigger mitigation.

Comment 4: One commenter offered information with respect to NMFS' assumption that marine mammals are expected to exhibit avoidance behavior in response to loud sounds within the BSURE, citing findings from research on cetaceans off Kauai showing that individuals of four different species of odontocetes exposed to relatively high source levels of mid-frequency active (MFA) sonar are not leaving the area (Baird *et al.,* 2014; Baird *et al.,* 2017). The commenter recommended against assuming that the responsive behaviors of animals moving away from an initial sound source will reduce the likelihood of repeated exposure or repeated TTS leading to PTS may not be correct for all species in this area.

NMFS Response: There is a paucity of data on behavioral responses of cetaceans to explosives, although in recent years there has been a concentrated effort to better understand the impacts of MFA sonar on marine mammals *(e.g.,* Baird *et al.,* 2012, 2014, 2017; Henderson *et al.,* 2014, Southall *et al.,* 2009, Tyack *et al.,* 2011). It is important to note MFA sonar is an intrinsically different source than explosives used here by the 86 FWS. The 86 FWS will not use sonar during the LRS WSEP missions. MFA is characterized as non-impulsive, narrowband sources with center frequencies of 2.6 and 3.3 kHz, while explosives are impulsive- noise with high peak sound pressure, short duration, fast rise-time, and broad frequency content times. Despite these differences, we expect the range of behavioral reactions from both sources to be somewhat similar. Henderson *et al.* (2014) found responses included changes in behavioral state or direction of travel, changes in vocalization rates and call intensity, or a lack of vocalizations while MFA sonar occurred. Similar to the findings noted by the commenter, 43 percent of focal groups exposed to sonar did not change their behavior, possibly due to tolerance and/or habituation. For more sensitive species (*e.g.,* beaked whales), avoidance behavior in response to MFA sonar has been well documented (Southall *et al.,* 2009, Tyack *et al.,* 2011).

As described in the proposed rule, NMFS acknowledges that behavioral responses to sound are highly variable and context-specific, and that any reactions depend on numerous intrinsic and extrinsic factors (*e.g.,* species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, and time of day), as well as the interplay between factors. NMFS did not limit its analysis of potential impacts to avoidance. The proposed rule discusses that the onset of surface detonations could result in a number of temporary, short term changes in an animal's typical behavior, including, changing durations of surfacing and dives; number of blows per surfacing; moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); and visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping). The proposed rule also includes a discussion on potential tolerance and habituation.

For those animals that do avoid the area, we remain confident this behavior will reduce the potential for TTS and PTS. The avoidance reaction we predict does not necessarily need to occur on a large spatial scale (*e.g.,* moving to the lee side of the island), but could likely occur more locally, for example just outside strong received levels from the target site. Further, because of the planned reduction in number of explosives planned for each mission, the TTS and PTS zones are likely an overestimate, making any movement away from the impact site helpful in further reducing auditory impacts.

Comment 5: A marine mammal researcher commented that based on relative density and range-to-effects, it is unclear why no takes of Endangered Species Act (ESA)-listed sperm whales (*Physeter microcephalus*) were requested or proposed to be authorized in the rule when sei whale (*Balaenoptera borealis*) density (a species for which take is requested and authorized) is lower than sperm whale density.

NMFS Response: The 86 FWS evaluated the likelihood of taking incidental to the specified activities for sperm whales which are classified as a mid-frequency cetaceans. The range to effects for the sperm whale is less than that of sei whales (a low frequency hearing specialist). Considering sperm whale density (0.0016 animals/km^2), the distance to the Level B behavioral isopleth minus the Level B TTS isopleth distance (11.95 km − 8.01 km), and assuming five training days per mission (the original schedule), the number of sperm whales possibly exposed to Level B harassment equaled 0.3 animals per year. When rounding, this probability becomes zero for sperm whales. For sei whales (0.0002 animals/km^2), the final exposure value was 0.7 per year; therefore, it was rounded to one animal. The probability of taking both species is also decreased because the 86 FWS will only conduct four training days per mission, not the original five days included in the application. In summary, NMFS agrees there is a slight probability a sperm whale may be within the action area during training; however, this probability is very low. The 86 FWS did not request take of this species, and the 86 FWS is aware that take of sperm whales is not authorized.

Comment 6: A marine mammal researcher was concerned there is a potential for 86 FWS activities to overlap spatially and temporally with scientific research activities on the PMRF, and, as a result, those researchers may be displaced.

NMFS Response: The 86 FWS will issue a Notice to Mariners to inform the public that a military mission will be conducted and that portions of the Pacific Ocean will be temporarily closed for human safety concerns. The 86 FWS will also coordinate with NMFS OPR and PIRO once mission schedules have been set and no less than 72 hours prior to conducting each operation. If a researcher is concerned their planned research may be interrupted by 86 FWS activities, they may contact NMFS or

the 86 FWS directly to determine when missions are scheduled. In addition, we do not anticipate a conflict with researchers, not only because of these alert requirements, but also because the weapon impact area is in the most northern part of the BSURE range in very deep water where small boat operations do not typically occur, and missions are to be conducted for only one day in 2017 and one to four days for the remainder of the effective period of this rule.

Comment 7: The MMC acknowledged the USAF would archive the PAM recordings for analysis when funding is available at a later time, but recommended fulfilling the monitoring requirements under section 101(a)(5) of the MMPA should be made a priority.

NMFS Response: The final rule contains monitoring and reporting requirements that fully comply with section 101(a)(5)(A) of the MMPA. The purpose of analyzing acoustic data is to better understand the effects of the missions on marine mammals using acoustic recordings from PMRF hydrophones. Because the year one mission will occur only for one day (eight small diameter bombs) and year two through five missions will occur for a maximum of four days (maximum of four hours per day), NMFS finds that requiring an assessment of animal behavior for each mission year would yield a data poor analysis because the amount of acoustic data collected in any given year is likely to be minimal, if any at all. Therefore, the 86 FWS will combine all data over the course of 5 years and provide NMFS a final report within 90 days after the rule expires. However, if 86 FWS applies for a subsequent rule prior to expiration of this rule, a draft acoustic monitoring report shall be submitted with that application.

Comment 8: Comments received from individual citizens who opposed harming animals can be summarized in four general statements: (1) The activities will kill animals or make them deaf, (2) the USAF should conduct activities in areas where marine life will not be harmed or should conduct ''virtual'' training, (3) the mitigation and monitoring are ineffective, and (4) a warning should be provided to marine mammals prior to the exercises to give them time to leave the area.

NMFS Response: The following responses correspond to the numbered statements above: (1) NMFS did not propose to authorize, nor are we authorizing, death or serious injury of marine mammals incidental to the specified activity in this rule, because take in this manner was not requested, and, for reasons provided in this rule and associated documents, we do not believe it will occur. While NMFS does believe there is potential for PTS, experiencing PTS does not mean an animal will become deaf to the degree they are unable to communicate and perform other vital life functions. In addition, our thresholds are conservative in that they anticipate the accumulated energy at which animal may experience any level of PTS, not complete deafness. The distances also represent where the animal would have to remain relative to the detonation site for the duration of the exercise each day as described in the proposed rule. Because the amount of live weapons has been greatly reduced and marine mammal monitoring would occur up until weapon detonation, we believe the chance of PTS, while it still may exist slightly, is also greatly reduced. We do not expect animals to remain stationary; instead we expect them to move away from the source, not toward it, thereby reducing the potential for PTS. (2) NMFS must evaluate a proposed activity and is required to prescribe mitigation to affect the least practicable adverse impact. We do not have the authority to require the USAF to conduct missions elsewhere or use virtual training. (3) Please see our responses to the other public comments regarding mitigation and monitoring. (4) NMFS, in consultation with the USAF, considered a mitigation measure that involved conducting inert munition training or detonating small weapons prior to larger weapons. The 86 FWS indicated it is not known at this time in what order munitions will be detonated; however, NMFS has required that this mitigation measure be followed if the Project Engineer/Commanding Officer determines doing so will not interfere with the mission.

Comment 9: CRE does not oppose NMFS' issuance of the rule, but they do oppose NMFS' use of our ''Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing—Acoustic Threshold Levels for Onset of Permanent and Temporary Threshold Shifts'' (Technical Guidance) (NMFS 2016) in our analysis of the potential impacts of the USAF's military readiness activities on marine mammals. CRE commented that it is questionable whether NMFS has the authority to use the Technical Guidance until the Commerce Secretary has completed his review required by Executive Order (EO) 13795. They further recommend NMFS remove any claim that the Office of Management and Budget (OMB) had approved an Information Collection Request for the Technical Guidance, and NMFS should correct information disseminations that suggest or require that the Technical Guidance may be used for any regulatory purpose.

NMFS Response: EO 13795 does not state the Technical Guidance cannot be used during the Secretary's review process; therefore, the Technical Guidance remains applicable during this time. Prior to its release, the Technical Guidance was subject to an internal review, three external peer reviews, as well as a follow-up peer review, three public comment periods, and received informal input from key Federal partners. As such, it represents the best available science. However, in accordance with EO 13795, NMFS solicited additional public comment on the Technical Guidance (82 FR 24950, May 31, 2017). NMFS will also consult the appropriate Federal agencies to assist the Secretary of Commerce in reviewing the Technical Guidance for consistency with the policy in section 2 of EO 13795. As mandated by the EO, at the conclusion of the review, the Secretary will make a determination on how to proceed. At that point, NMFS will determine what information will be provided on our information disseminations. Further, the Technical Guidance explicitly states it is a guidance document and that ITA applicants are not required to use it. An applicant may propose an alternative approach if it is likely to produce a more accurate estimate of auditory impact for the project being evaluated. Finally, as explicitly explained in the Guidance, the scientific data compiled therein do not mandate any particular policy or regulatory choice, rather, they are used in the analyses that inform regulatory decisions and, as is appropriate in the case of the MMPA, the regulatory decisions are subject to notice and comment.

Description of Marine Mammals in the Area of Specified Activities

There are 25 marine mammal species with potential or confirmed occurrence in the proposed activity area. Not all of these species occur in this region during the project timeframe, or the likelihood of occurrence is very low. The ''Description of Marine Mammals in the Area of the Specified Activities'' section included in the proposed rule (82 FR 21156; May 5, 2017) and sections 3 and 4 of the USAF's application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. These descriptions have not

changed and are incorporated here by reference. Additional information regarding population trends and threats may be found in NMFS's Stock Assessment Reports (SAR; *www.nmfs.noaa.gov/pr/sars/*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS's Web site (*www.nmfs.noaa.gov/pr/species/mammals/*). Additional information may be found in the USAF 86 FWS EA/EOA for LRS WSEP training exercises in the BSURE of the PMRF, which is available online at *http://www.afcec.af.mil/What-We-Do/Environment/Pacific-Range-Strike-Environmental-Assessment/.*

Of the 25 species that may occur in Hawaiian waters, 16 species occur in densities great enough during the seasons the training exercises may occur (summer or fall) to warrant inclusion in this rule (Table 2). The final list of species is based on summer density estimates, a conservative range-to-effects, and duration of the activity.

TABLE 2—MARINE MAMMAL SPECIES AND STOCKS LIKELY TO BE EXPOSED TO 86 FWS LRS WSEP TRAINING MISSIONS

Species	Stock	ESA/MMPA status; strategic (Y/N)[1]	Stock abundance (CV, Nmin, most recent abundance survey)[2]	PBR[3]	Occurrence in BSURE area
Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)					
Family: Balaenopteridae					
Humpback whale (*Megaptera novaeangliae*)[4].	Central North Pacific	N; Y	10,103 (0.300; 7,890; 2006).	83	Seasonal; throughout known breeding grounds during winter and spring (most common November through April).
Sei whale (*Balaenoptera borealis).*	Hawaii	Y; Y	178 (0.90; 93; 2010)	0.2	Rare; limited sightings of seasonal migrants that feed at higher latitudes.
Minke whale (*Balaenoptera acutorostrata).*	Hawaii	-; N	n/a (n/a; n/a; 2010)	Undet	Regular but seasonal (October-April).
Order Cetartiodactyla—Cetacea—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)					
Family: Kogiidae					
Pygmy sperm whale (*Kogia breviceps*).	Hawaii	-; N	n/a (n/a; n/a; 2010)	Undet	Widely distributed year round; more likely in waters > 1,000 m depth.
Dwarf sperm whale (*Kogia sima*).	Hawaii	-; N	n/a (n/a; n/a; 2010)	Undet	Widely distributed year round; more likely in waters > 500 m depth.
Family: Delphinidae					
Pygmy killer whale (*Feresa attenuata*).	Hawaii	-; N	3,433 (0.52; 2,274; 2010)	23	Year-round resident.
Short-finned pilot whale (*Globicephala macrorhynchus*).	Hawaii	-; N	12,422 (0.43; 8,872; 2010)	70	Commonly observed around Main Hawaiian Islands and Northwestern Hawaiian Islands.
Melon headed whale (*Peponocephala electra).*	Hawaii Islands stock	-; N	5,794 (0.20; 4,904; 2010)	4	Regular.
Bottlenose dolphin (*Tursiops truncatus*).	Hawaii pelagic	-; N	5,950 (0.59; 3,755; 2010)	38	Common in deep offshore waters.
Pantropical spotted dolphin (*Stenella attenuata*).	Hawaii pelagic	-; N	15,917 (0.40; 11,508; 2010).	115	Common; primary occurrence between 100 and 4,000 m depth.
Striped dolphin (*Stenella coeruleoala*).	Hawaii	-; N	20,650 (0.36; 15,391; 2010).	154	Occurs regularly year round but infrequent sighting during survey.
Spinner dolphin (*Stenella longirostris*).	Hawaii pelagic	-; N	n/a (n/a; n/a; 2010)	Undet	Common year-round in offshore waters.
Rough-toothed dolphins (*Steno bredanensis*).	Hawaii stock	-; N	6,288 (0.39; 4,581; 2010)	46	Common throughout the Main Hawaiian Islands and Hawaiian Islands EEZ.
Fraser's dolphin (*Lagenodelphis hosei*).	Hawaii	-; N	16,992 (0.66; 10,241; 2010).	102	Tropical species only recently documented within Hawaiian Islands EEZ (2002 survey).

TABLE 2—MARINE MAMMAL SPECIES AND STOCKS LIKELY TO BE EXPOSED TO 86 FWS LRS WSEP TRAINING MISSIONS—Continued

Species	Stock	ESA/MMPA status; strategic (Y/N)[1]	Stock abundance (CV, Nmin, most recent abundance survey)[2]	PBR[3]	Occurrence in BSURE area
Risso's dolphin (*Grampus griseus*).	Hawaii	-; N	7,256 (0.41; 5,207; 2010)	42	Previously considered rare but multiple sightings in Hawaiian Islands EEZ during various surveys conducted from 2002–2012.
Family: Ziphiidae					
Longman's beaked whale (*Indopacetus pacificus*).	Hawaii	-; N	4,571 (0.65; 2,773; 2010)	28	Considered rare; however, multiple sightings during 2010 survey.

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR (see footnote 3) or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable. For certain stocks, abundance estimates are actual counts of animals and there is no associated CV. The most recent abundance survey that is reflected in the abundance estimate is presented; there may be more recent surveys that have not yet been incorporated into the estimate. All values presented here are from the 2015 Pacific SARs, except humpback whales- see comment 4.

[3] Potential biological removal (PBR), defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population size (OSP).

[4] Values for humpback whales are from the 2015 Alaska SAR.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.,* low-frequency cetaceans).

Subsequently, NMFS (2016) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 dB threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. The functional groups and the associated frequencies are indicated in Table 3; note that these frequency ranges correspond to the range for the composite group, with the entire range not necessarily reflecting the capabilities of every species within that group (please refer to the proposed rule (82 FR 21156; May 5, 2017) for more detail.

TABLE 3—MARINE MAMMAL HEARING GROUPS

[NMFS, 2016]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales).	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales).	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, *Kogia,* river dolphins, cephalorhynchid, *Lagenorhynchus cruciger* & *L. australis*).	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals).	50 Hz to 86 kHz.

TABLE 3—MARINE MAMMAL HEARING GROUPS—Continued

[NMFS, 2016]

Hearing group	Generalized hearing range *
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals).	60 Hz to 39 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.,* all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.,* 2007) and PW pinniped (approximation).

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

In the *Potential Effects of Specified Activities on Marine Mammals* section of the proposed rule (82 FR 21156; May 5, 2017), we included a qualitative discussion of the different ways that the USAF 86 FWS LRS WSEP training activities may potentially affect marine mammals without consideration of mitigation and monitoring measures. These effects are incorporated here by reference; however, we note the new information on decreased munition amount likely further reduces the chance and severity of these effects.

Estimated Take

This section provides the number of incidental takes, by stock, authorized

through this final rule, which informs both NMFS' consideration of the negligible impact determination.

Harassment is the only type of take expected to result from these activities. For this military readiness activity, the MMPA defines ''harassment'' as: (i) Any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild (Level A Harassment); or (ii) Any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered (Level B Harassment).

Authorized takes primarily cover Level B harassment, as explosive detonations have the potential to result in disruption of behavioral patterns and/or TTS for individual marine mammals. There is also some potential for auditory injury (Level A harassment) to result, primarily for mysticetes and high frequency species due to the size of the predicted auditory injury zones. Auditory injury is unlikely to occur for mid-frequency species. The proposed mitigation and monitoring measures are expected to minimize the severity of such taking to the extent practicable. No mortality or serious injury is authorized for this activity. Below we describe how the take is estimated.

Described in the most basic way, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. These elements and the method by which takes were calculated are described in detail in the proposed rule for this action. While some aspects have not changed *(e.g.,* acoustic thresholds and modeling approach), we are reducing the amount of authorized take proposed from the proposed rule based on the significant reduction of explosives employed annually. Here, we again provide NMFS acoustic thresholds for explosives for reference and discuss the manner by which takes were estimated for a reduced number of munitions.

Based on the best available science, NMFS uses the acoustic and pressure thresholds indicated in Table 4 to predict the onset of behavioral harassment, PTS, tissue damage, and mortality.

Table 4. Explosive acoustic and pressure thresholds for marine mammals.

Functional Hearing Group	Mortality*	Level A Harassment			Level B Harassment	
		Slight Lung Injury*	GI Tract Injury	PTS	TTS	Behavioral
LF Cetaceans	$91.4M^{1/3}\left(1+\frac{D}{10.1}\right)^{1/2}$	$39.1M^{1/3}\left(1+\frac{D}{10.1}\right)^{1/2}$	Unweighted SPL: 237 dB re 1 μPa	Weighted SEL: 187 dB re 1 $\mu Pa^2 \cdot s$	Weighted SEL: 172 dB re 1 $\mu Pa^2 \cdot s$	Weighted SEL: 167 dB re 1 $\mu Pa^2 \cdot s$
				Unweighted SPL: 230 dB re 1 μPa	Unweighted SPL: 224 dB re 1 μPa (23 psi PP)	
MF Cetaceans			Unweighted SPL: 237 dB re 1 μPa	Weighted SEL: 187 dB re 1 $\mu Pa^2 \cdot s$	Weighted SEL: 172 dB re 1 $\mu Pa^2 \cdot s$	Weighted SEL: 167 dB re 1 $\mu Pa^2 \cdot s$
				Unweighted SPL: 230 dB re 1 μPa	Unweighted SPL: 224 dB re 1 μPa (23 psi PP)	
HF Cetaceans			Unweighted SPL: 237 dB re 1 μPa	Weighted SEL: 161 dB re 1 $\mu Pa^2 \cdot s$	Weighted SEL: 146 dB re 1 $\mu Pa^2 \cdot s$	Weighted SEL: 141 dB re 1 $\mu Pa^2 \cdot s$
				Unweighted SPL: 201 dB re 1 μPa	Unweighted SPL: 195 dB re 1 μPa (1 psi PP)	
Phocids (in water)			Unweighted SPL: 237 dB re 1 μPa	Weighted SEL: 192 dB re 1 $\mu Pa^2 \cdot s$	Weighted SEL: 177 dB re 1 $\mu Pa^2 \cdot s$	Weighted SEL: 172 dB re 1 $\mu Pa^2 \cdot s$
				Unweighted SPL: 218 dB re 1 μPa	Unweighted SPL: 212 dB re 1 μPa (6 psi PP)	

Based on the thresholds in Table 4, the USAF calculated the distances to each based on the amount of ordnance that could be dropped on any given day per the munition amounts included in the application. We also note that for sources that are detonated at shallow depths such as is the case here, explosions may breach the surface with some of the acoustic energy escaping the water column. The source levels used in the acoustic model were not adjusted for this possible venting nor did subsequent analysis attempt to take this into account; therefore, this is another reason to identify the resulting analysis as conservative.

Although the amount of munitions included in each mission has been significantly reduced, the USAF was unable to recalculate these distances using the original modeling due to time and funding constraints. Therefore, the reduction in impacts (*i.e.,* take) was estimated using the correction factor discussed below Table 5. Although the prior calculations (Table 5) overestimate the range-to-effects, in the absence of mitigation, we continue to use these distances to conservatively inform the mitigation and monitoring measures. If during the course of this rule, the USAF is able to recalculate these zones based

on the actual amount of munitions dropped per day, NMFS will reconsider, pursuant to the adaptive management provisions (see *Adaptive Management* section), the extent of the mitigation zones after review of the model.

TABLE 5—DISTANCES (m) TO EXPLOSIVE THRESHOLDS BASED ON THE ORIGINALLY PROPOSED AMOUNT OF MUNITIONS PER MISSION DAY

Species	Mortality [1]	Level A harassment				Level B harassment		
		Slight lung injury	GI tract injury	PTS		TTS	Behavioral	
			237 dB SPL	SEL	SPL	SEL	SPL	SEL
Low-Frequency Cetaceans								
Humpback Whale	99	200	204	5,415	1,241	55,464	2,266	59,039
Blue Whale	74	149						
Fin Whale	76	157						
Sei Whale	101	204						
Bryde's Whale	99	200						
Minke Whale	138	268						
Mid-Frequency Cetaceans								
Sperm Whale	91	177	204	1,575	413	8,019	763	11,948
Killer Whale	149	287						
False Killer Whale (MHI Insular stock)	177	340						
False Killer Whale (all other stocks)	177	340						
Pygmy Killer Whale	324	604						
Short-finned Pilot Whale	217	413						
Melon-headed Whale	273	502						
Bottlenose Dolphin	273	509						
Pantropical Spotted Dolphin	324	604						
Striped Dolphin	324	604						
Spinner Dolphin	324	604						
Rough-toothed Dolphin	273	509						
Fraser's Dolphin	257	480						
Risso's Dolphin	207	384						
Cuvier's Beaked Whale	131	257						
Blainville's Beaked Whale	195	368						
Longman's Beaked Whale	133	261						
High-Frequency Cetaceans								
Pygmy Sperm Whale	248	457	204	20,058	4,879	71,452	7,204	74,804
Dwarf Sperm Whale	273	509						

To determine the final amount of take authorized in the proposed rule, we considered the amount of take proposed based on the original amount of munitions released versus the final amount of munitions and the fact the 86 FWS would only conduct one day of training in 2017 and up to four days, annually, in 2018 through 2022 (the proposed rule considered five days of activity for each year). The amount of munition reduction ranges from 40 to 92 percent based on year. Based on these factors, we adjusted takes to be more realistic but also conservative to allow for adequate coverage (Table 6). For those species where take was equal to fewer than five animals, annually, we maintained this amount of take to account for random occurrence on any given day. For all other species, we reduced the amount of take by 20 percent (or one half of the lowest reduction for any given year (*i.e.,* 40 percent).

TABLE 6—ANNUAL ORIGINAL AND FINAL AUTHORIZED TAKE NUMBERS BY SPECIES

Species	Mortality/tissue damage	Level A harassment (PTS only *)		Level B harassment (TTS)		Level B harassment (behavioral)	
		Original	Final	Original	Final	Original	Final
Humpback whale	0	4	4	54	44	38	30
Sei whale	0	0	0	0	0	3	3
Minke whale	0	1	1	11	9	19	15
Pygmy sperm whale	0	9	7	83	66	36	29
Dwarf sperm whale	0	22	18	203	162	87	70
Pygmy killer whale	0	0	0	1	1	25	*25
Short-finned pilot whale	0	0	0	5	5	36	*36
Melon-headed whale	0	0	0	1	1	152	*152
Bottlenose dolphin	0	0	0	2	2	32	26
Pantropical spotted dolphin	0	0	0	3	3	40	*40
Striped dolphin	0	0	0	2	2	51	*51

TABLE 6—ANNUAL ORIGINAL AND FINAL AUTHORIZED TAKE NUMBERS BY SPECIES—Continued

Species	Mortality/tissue damage	Level A harassment (PTS only *)		Level B harassment (TTS)		Level B harassment (behavioral)	
		Original	Final	Original	Final	Original	Final
Spinner dolphin	0	0	0	1	1	29	*29
Rough-toothed dolphin	0	0	0	3	3	22	*22
Fraser's dolphin	0	0	0	10	8	273	*273
Risso's dolphin	0	0	0	2	2	25	*25
Longman's beaked whale	0	0	0	1	1	59	*59
Total	0	36	30	382	310	927	885

* Denotes average group size.

We expect the amount of take we are authorizing to be a very conservative estimate and the likelihood of the 86 FWS reaching or exceeding that level of take is unlikely given the reduced amount of munitions proposed each year, the reduction of training duration, and the mitigation and monitoring measures. NMFS expects that Level A harassment is unlikely to occur at the numbers proposed to be authorized because NMFS is authorizing (and analyzing) the modeled number of Level A harassment takes, which does not take the mitigation or avoidance measures into consideration.

Mitigation

In order to issue regulations and a LOA under Section 101(a)(5)(A) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, ''and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking'' for certain subsistence uses (latter not applicable for this action because there are no subsistence uses in Hawaii). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)). The NDAA for FY 2004 amended the MMPA as it relates to military readiness activities and the incidental take authorization process such that ''least practicable impact'' shall include consideration of personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned) the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

The primary means of mitigating for impacts to marine mammals is mission delay if marine mammals are observed within certain distances from the weapon impact site during pre-mission surveys, during missions, or via range camera monitoring. Since promulgation of the proposed rule, the 86 FWS identified that the 2017 missions would be limited to one day involving only eight small diameter bombs (23 to 37 lb NEW). The 2018 through 2022 missions include more explosives than 2017 constituting all possible munitions types; however, in substantially less amount than included in the proposed rule. The range-to-effects distances modeled by the USAF includes 24 explosives ranging from 300 to 23 lb NEW. The USAF did not have the capability to remodel range to effects based on the reduced amount of munitions; therefore, we have outlined circumstances that conservatively accounts for this reduction separately for 2017 and jointly for 2018 through 2022. In the final rule, we identify an ''exclusion zone'' as absolutely triggering a delay while a ''harassment zone'' may or may not trigger a delay based on species observed and distance from the weapon impact site. The following circumstances apply to the implementation of exclusion zones and mitigation zones.

For all mission years, training shall be delayed if a marine mammal is observed within a 2.3 mi (3,704 m) exclusion zone. In the 86 FWS's 2016 IHA, this was the monitoring and mitigation zone established based on eight small diameter bombs (37 lb NEW) and one JASSM/JASSM–ER (300 lb NEW). This distance also greatly exceeds the maximum calculated range-to-effects for mortality and tissue injury when considering the original amount and type of munitions (Table 5). This exclusion zone will avoid any mortality or tissue damage, avoid PTS of mid-frequency cetaceans, and reduce the potential for severe PTS and TTS in low-frequency and high-frequency cetaceans. A standard minimum 2.3 mi (3,704 m) exclusion zone also allows for consistency in mitigation throughout each year for implementation ease. Therefore, NMFS has applied this exclusion zone as the threshold for mission delay mitigation for all training conducted during the effective dates of the regulations.

For all missions, delay of mission is to be triggered based on the location of an observed marine mammals relative to the weapon impact site. If a species is observed within a harassment zone identified in Table 5 (based on hearing group) and take is not authorized for that species or the 86 FWS has exceeded take for that species, mission delay mitigation would be triggered.

The USAF has also committed to delaying deployment of munitions if an animal is sighted anywhere within the

8 mi (13 km) monitoring area (see *Monitoring and Reporting* section below). However, delaying missions until an animal leaves the entire monitoring area may not be practicable or necessarily warranted because we have authorized take for select species. If an animal is observed within the 8 mi (13 km) monitoring area and the USAF 86 FWS has determined missions may resume without exceeding authorized take, the USAF may carry on with training. However, the 86 FWS will shift the target impact site (*i.e.,* the x, y coordinates of the detonation site) away from an animal sighting should mission delay mitigation not be triggered. The target site will be shifted to the farthest distance possible from the sighting but is confined to the two-mile wide weapon impact area.

If adverse weather conditions impair the ability of aircraft to operate safely, missions will either be delayed until the weather clears or cancelled for the day.

Monitoring and Reporting

In order to issue regulations authorizing take incidental to a specified activity, Section 101(a)(5)(A) of the MMPA states that NMFS must set forth, ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density).
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas).
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors.
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks.
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat).
- Mitigation and monitoring effectiveness.

During the proposed rulemaking stage, the USAF 86 FWS proposed using a helicopter as a marine mammal survey platform and conducting such surveys before and after each day of training as this was the survey method used during the 2016 mission for which NMFS issued an IHA. However, in consideration of public comment and additional available methods, NMFS recommended monitoring enhancements intended to better address the increased duration and amount of activity covered in this rule as compared to the one-day activity in the IHA. As a result, the USAF 86 FWS, in consultation with NMFS, modified their Mitigation and Monitoring Plan to increase marine mammal detection probability and more clearly articulate the protocols followed for the survey. The Mitigation and Monitoring Plan, found at *http://www.nmfs.noaa.gov/pr/permits/incidental/military.htm,* provides detailed information. Here we summarize the major provisions; however, the USAF 86 FWS is responsible for implementing the full plan.

A pre-mission and post-mission survey will be conducted by a chase aircraft (*e.g.,* F–16, F–15) at altitudes ranging from 1,000 ft to 25,000 ft. The aircraft will be equipped with a sensor pod (*e.g.,* Sniper or Litening advanced targeting pods). Pre-mission surveys begin no less than 30 minutes prior to the start of a mission, primarily using visual lookouts who will scan the water surface in closely-spaced line-transect patterns as the aircraft circles above the monitoring area. In addition to having a dedicated marine mammal visual lookout, the aircraft's targeting pods, or comparable sensor, will supplement the visual lookout surveys of the same area. Targeting pods have the ability to use high-definition forward looking infrared (FLIR) and high-definition television modes, both of which are displayed in real-time to the aircrew in the cockpit. Using thermal signatures, such as warm-blooded marine mammals in a comparatively cooler marine environment, it is expected that marine mammals at or near the water surface would be prominent and easy to identify in FLIR mode.

Advanced targeting pods are most frequently used by the USAF and are currently installed on F–16, F–15C/E, A–10, B–1, and B–52 aircraft. Combat aircrews receive extensive training and have gained combat experience using advanced targeting pods to track and identify targets that are similar in size, and in some cases smaller than, marine mammals. For example, the USAF was able to detect sharks from an AC–130 aircraft conducting a 3-mi (5-km) orbit at 15,000 ft altitude using an electro-optical/infrared sensor in the Gulf of Mexico within the Eglin Gulf Test and Training Range (see Figure 2 in the Mitigation and Monitoring Plan). Even though the aircraft and survey location are different than what is proposed under Long Range Strike WSEP activities, the capabilities to detect marine life near the water surface are expected to be similar.

Mission aircraft are capable of flying at various altitudes and airspeeds. As part of operational procedures, aircrew must conduct aerial surveillance of a potential impact or target area prior to releasing any weapons to confirm the location of the target and ensure the human safety zone around the impact area is clear. In order to accomplish this, the aircraft must operate at an appropriate altitude and airspeed that is operationally safe while meeting mission objectives. The range of altitudes and airspeeds at which this occurs varies across all aerial platforms; therefore, a specific altitude and airspeed requirement cannot be determined because each LRSWSEP event will not have the same types of aircraft participating each year. However, regardless of aircraft type, the pre-mission aircraft will be equipped with a sensor pod to survey for marine mammals.

In addition to aerial surveys, there are other assets on the PMRF Range that will also be used to supplement the aerial surveys. Range cameras are installed on Makaha Ridge, at an elevation between 1,500 and 1,700 ft, and are able to see out to 50 nmi from the shore. Since the weapon impact area is approximately 44 nm from shore, it would be within the line of sight of the cameras. The optical lenses of the cameras have the zoom capability to see marine life if they are at or near the surface. The camera feed will be monitored by personnel within the

mission control room at PMRF. Since these cameras will be used to track weapon impacts, they will be available to supplement aerial survey efforts by providing opportunistic sighting information. Therefore, during pre-mission surveys, the range cameras on Makaha Ridge will be zoomed in on the weapon impact area and will be monitored in real-time for at least 30 minutes prior to weapon release.

During the mission (*i.e.,* as aircraft are inbound to release weapons), aircrew of the plane carrying the weapon, the chase aircraft, and the range camera operator will observe for protected species. If a protected species is observed, weapon release will be delayed per the mitigation requirements. The mission aircraft pilot will divert effort to following the protected species until it is confirmed to be outside the mitigation zone and on a path away from the area (*i.e.,* on a heading and swim speed suggesting it is outside the mitigation zone).

NMFS may modify and augment the existing mitigation, monitoring, or reporting measures (after consulting with the 86 FWS regarding the practicability of the modifications) if doing so creates a reasonable likelihood of more effectively accomplishing the goals of the mitigation and monitoring. Possible sources of data that could contribute to the decision to modify the mitigation, monitoring, and reporting measures in an LOA include, but is not limited to:

(i) Results of new range-to-effects models based on maximum amount of weapons, by type, utilized during each mission;

(ii) Results from 86 FWS's monitoring from the previous year(s);

(iii) Results from other marine mammal and/or sound research or studies; or

(iv) Any information that reveals marine mammals may have been taken in a manner, extent, or number not authorized by the regulations or subsequent LOA.

Adaptive Management

The final regulations governing the take of marine mammals incidental to 86 FWS training activities on the BSURE area of the PMRF contain an adaptive management component. The reporting requirements associated with this final rule are designed to provide NMFS with monitoring data from the previous year to allow NMFS to consider whether any changes are appropriate. NMFS and the 86 FWS would meet to discuss the monitoring reports, activities, any updated modeling efforts, and current science and whether mitigation or monitoring modifications are appropriate. The use of adaptive management allows NMFS to consider new information from different sources to determine (with input from the 86 FWS regarding practicability) on an annual or biennial basis if mitigation or monitoring measures should be modified (including additions or deletions). Mitigation measures could be modified if new data suggests that such modifications would have a reasonable likelihood of reducing adverse effects to marine mammal species or stocks and their habitat and if the measures are practicable.

The following are some of the possible sources of applicable data to be considered through the adaptive management process: (1) Results of new range-to-effects models based on maximum amount of weapons, by type, utilized during each mission; (2) results from 86 FWS's monitoring from the previous year(s); (3) Results from other marine mammal and/or sound research or studies; or (4) Any information that reveals marine mammals may have been taken in a manner, extent, or number not authorized by the regulations or subsequent LOA.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

Behavioral disruption due to Level B harassment would be limited to reactions such as startle responses, movements away from the area, and short-term changes to behavioral state. These impacts are expected to be temporary and of short duration because the specified activity would be limited to 4 hours per day for no more than 4 days per year. We do not anticipate that the effects would be detrimental to rates of recruitment and survival because we do not expect serious or extended behavioral responses that would result in energetic effects at the level to impact fitness.

In terms of what is analyzed for the potential PTS (Level A harassment) in marine mammals as a result of 86 FWS's LRS WSEP operations, the ranges-to-effects identified are conservative (*i.e.,* the longest distance for any given depth bin) and, in some cases, include more energy than would be released per day due to reduced munition expenditure. The 86 FWS would also maintain an exclusion zone extending 2.3 mi from the target site and shift the target site away from an animal should it be observed (and delay mitigation is not triggered). In addition, marine mammals would likely begin to move away from the immediate area once bombing begins, decreasing exposure to the full amount of acoustic energy used to calculate ranges-to-effects. Therefore, we anticipate that, because of the mitigation measures, conservative range-to-effects analysis, and the likely short duration of exposures, any PTS incurred would be in the form of only a small degree of PTS, rather than total deafness.

While animals may be impacted in the immediate vicinity of the activity, because of the short duration of the actual individual explosions themselves (versus continual sound source operation) combined with the short duration of the LRS WSEP operations (*i.e.,* maximum of four hours per day over a maximum of four days per year), NMFS has determined there will not be a substantial impact on marine mammals or their habitat. We do not expect the activity would impact rates of recruitment or survival of marine mammals due to mortality (which would remove individuals from the population) or serious injury because we do not expect those impacts to occur not are we authorizing that manner of take. In addition, the activity would occur only in a small part of a stock's

overall range, and would not occur in any areas known to be specifically important or unique for feeding or reproductive behaviors when compared to overall range. Therefore, the impact of any potential temporary displacement would be negligible and animals would be expected to return to the area after the cessation of activities. In addition, although the activity could result in Level A harassment (PTS only, as opposed to slight lung injury or gastrointestinal tract injury) and Level B harassment (behavioral disturbance and TTS), the number of exposed animals is expected to be low due to the short-term and site-specific nature of the activity. Therefore, we do not anticipate the level of harassment to impact rates of recruitment or survival of marine mammals.

In past missions (October 2016), the 86 FWS completed pre- and post-aerial surveys. The 86 FWS did not observe any marine mammals during the pre-mission aerial survey before missions occurred, and did not observe any marine mammals after missions were completed. The 86 FWS was authorized for Level A and Level B harassment takes of five species, but the ordinance failed to detonate therefore, in addition to no marine mammal sightings, no take was documented.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

Section 7(a)(2) of the ESA 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of the final rule and LOA, NMFS consults internally, in this case with the ESA Interagency Cooperation Division, whenever we propose to authorize take for endangered or threatened species.

There is one marine mammal species under NMFS' jurisdiction that is listed as endangered or threatened under the ESA with confirmed or possible occurrence in the Study Area, the sei whale. The USAF 86 FWS consulted with NMFS pursuant to section 7 of the ESA, and NMFS also consulted internally on the issuance of a rule and LOA under section 101(a)(5)(A) of the MMPA for LRS WSEP training activities. NMFS issued a Biological Opinion concluding that the issuance of the rule and subsequent LOA are likely to adversely affect, but are not likely to jeopardize, the continued existence of the threatened and endangered species under NMFS' jurisdiction and are not likely to result in the destruction or adverse modification of critical habitat in the PMRF. The Biological Opinion for this action is available on NMFS' Web site (*http://www.nmfs.noaa.gov/pr/permits/incidental/military.htm*).

Classification

The Office of Management and Budget has determined that this final rule is not significant for purposes of Executive Order 12866. This rule is not an Executive Order 13771 regulatory action because this rule is not significant under Executive Order 12866.

Pursuant to the Regulatory Flexibility Act (RFA), the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration at the proposed rule stage that this rule would not have a significant economic impact on a substantial number of small entities. The USAF 86 FWS is the sole entity that would be affected by this rulemaking, and the USAF 86 FWS is not a small governmental jurisdiction, small organization, or small business, as defined by the RFA. Because this action directly affects the USAF 86 FWS and not a small entity, NMFS concluded the action will not result in a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. As a result, a regulatory flexibility analysis is not required and none has been prepared.

The Assistant Administrator for Fisheries has determined that there is good cause under the Administrative Procedure Act (5 U.S.C 553(d)(3)) to waive the 30-day delay in the effective date of the measures contained in the final rule. NMFS is unable to accommodate the 30-day delay of effectiveness due to delays resulting from: Late changes in the action (reductions in activity levels and increased monitoring protocol that would improve protections for marine mammals), and the resulting need for new take analysis to address decreased munitions in both this rule and the accompanying Biological Opinion. The USAF 86 FWS is the only entity subject to the regulations, and it has requested that NMFS issue the LOA prior to the scheduled August 24, 2017, training to avoid mission delays. A waiver of the 30-day delay of the effective date of the final rule will allow the USAF 86 FWS to finalize operational procedures to ensure compliance with required mitigation, monitoring, and reporting requirements, and have MMPA authorization in place to support of the training exercise. Any delay of enacting the final rule would result in either: (1) A suspension of planned USAF training, which would disrupt vital training essential to national security; or (2) the USAF's procedural non-compliance with the MMPA (should the USAF conduct training without an LOA), thereby resulting in the potential for unauthorized takes of marine mammals. For these reasons, the Assistant Administrator finds good cause to waive the 30-day delay in the effective date.

List of Subjects in 50 CFR Part 218

Exports, Fish, Imports, Incidental take, Indians, Labeling, Marine mammals, Penalties, Reporting and recordkeeping requirements, Seafood, Transportation.

Dated: August 16, 2017.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR part 218 is amended as follows:

PART 218—REGULATIONS GOVERNING THE TAKE OF MARINE MAMMALS INCIDENTAL TO SPECIFIED ACTIVITIES

■ 1. The authority citation for part 218 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.,* unless otherwise noted.

■ 2. Add subpart F to part 218 to read as follows:

Subpart F—Taking of Marine Mammals Incidental to the U.S. Air Force 86 Fighter Weapons Squadron Conducting Long Range Strike Weapons System Evaluation Program at the Pacific Missile Range Facility at Kauai, Hawaii

Sec.

218.50 Specified activity and specified geographical region.
218.51 Effective dates.
218.52 Permissible methods of taking.
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Subpart F—Taking of Marine Mammals Incidental to the U.S. Air Force 86 Fighter Weapons Squadron Conducting Long Range Strike Weapons System Evaluation Program at the Pacific Missile Range Facility at Kauai, Hawaii

§ 218.50 Specified activity and specified geographical region.

(a) Regulations in this subpart apply only to the 86 Fighter Weapons Squadron (86 FWS) and those persons it authorizes to conduct activities on its behalf, for the taking of marine mammals as outlined in paragraph (b) of this section and incidental to Long Range Strike Weapons System Evaluation Program (LRS WSEP) missions.

(b) The taking of marine mammals by 86 FWS pursuant to a Letter of Authorization (LOA) is authorized only if it occurs at the Barking Sands Underwater Range Expansion (BSURE) area of the Pacific Missile Range Facility (PMRF) off Kauai, Hawaii.

§ 218.51 Effective dates.

Regulations in this subpart are effective August 21, 2017, through August 22, 2022.

§ 218.52 Permissible methods of taking.

Under a LOA issued pursuant to § 216.106 of this chapter and § 218.56, the Holder of the LOA (herein after 86 FWS) may incidentally, but not intentionally, take marine mammals by Level A and Level B harassment associated with LRS WSEP activities within the area described in § 218.50, provided the activities are in compliance with all terms, conditions, and requirements of these regulations in this subpart and the associated LOA.

§ 218.53 Prohibitions.

Notwithstanding takings contemplated in § 218.50 and authorized by an LOA issued under § 216.106 of this chapter and § 218.56, no person in connection with the activities described in § 218.50 may:

(a) Violate, or fail to comply with, the terms, conditions, and requirements of this subpart or the LOA issued under § 216.106 of this chapter and § 218.56.

(b) Take a marine mammal species or stock not specified in the LOA; and

(c) Take a marine mammal species or stock specified in the LOA in any manner other than as specified.

§ 218.54 Mitigation requirements.

When conducting activities identified in § 218.50, the mitigation measures contained in the LOA issued under § 216.106 of this chapter and § 218.56 must be implemented. These mitigation measures shall include but are not limited to the following general conditions:

(a) Execute missions during day-light hours only, no more than four hours per day, no more than one day during 2017, no more than four days per year for 2018 through 2022 over a five-day period, on weekdays, and only during summer (June through August) or fall (September through November) months.

(b) Delay live munition detonations if a marine mammal is observed within the designated exclusion zone (2.3 mile (mi) (3,704 m) from the weapon impact site), resuming only after the animal is observed exiting the exclusion zone or the exclusion zone has been clear of any additional sightings for a period of 30 minutes.

(c) Delay live munition detonations if a marine mammal is observed in an impact zone but outside of the 2.3 mi exclusion zone and if the manner of taking is not authorized (*e.g.,* animal is observed in Level A impact zone for that species and no Level A take is authorized), resuming only after the animal is observed exiting the zone.

(d) Shift the target site as far as possible from an observed marine mammal's location (but within the two-mile wide weapon impact area) if a marine mammal is observed during the pre-mission survey or during missions and continuing the mission will not result in an unauthorized take of a marine mammal.

(e) Suspend live munition detonations if an unauthorized take of a marine mammal occurs, and report the incident to NMFS Office of Protected Resources (OPR), NMFS Pacific Islands Regional Office (PIRO), and the Pacific Islands Region Marine Mammal Stranding Network representative immediately followed by a report to NMFS within 24 hours.

(f) Implement a best management practice, on a daily basis, of conducting inert munition training or small bomb detonations prior to detonating large bombs if the Project Engineer/Commanding Office determines this practice does not interfere with mission training.

(g) Additional mitigation measures as contained in an LOA.

§ 218.55 Requirements for monitoring and reporting.

(a) Holders of LOAs issued pursuant to § 218.56 for activities described in § 218.50(a) are required to cooperate with NMFS, and any other Federal, state, or local agency with authority to monitor the impacts of the activity on marine mammals. Unless specified otherwise in the LOA, the Holder of the LOA must notify the Pacific Islands Region Stranding Coordinator, NMFS, by email, at least 72 hours prior to LRS WSEP missions.

(b) All marine mammal monitoring will be carried out in compliance with the 86 FWS Marine Mammal Mitigation and Monitoring Plan, dated August 2017.

(c) Aerial Surveys: The 86 FWS will conduct pre-, during, and post-training surveys each mission day.

(1) The marine mammal survey monitoring area will extend no less than approximately 8 mi (13 kilometers (km)) from the designated impact site.

(2) Surveys will utilize military aircraft equipped with advanced targeting sensor pods (*e.g.,* SNIPER pods) at altitudes and speeds ideal for detecting marine mammals using such equipment; aircraft will fly transect lines covering the entire eight mi monitoring area. A helicopter-based survey may substitute the military aircraft survey platform and use of sensor pods only if a sensor pod is not be available.

(3) A pre-mission marine mammal survey will commence no later than 30 minutes prior to beginning training activities.

(4) Aircraft personnel will also observe for marine mammals during training (*e.g.,* on approach to weapon launch location).

(5) Aircraft personnel will conduct a post-mission survey for marine mammals immediately following the end of training each mission day. A helicopter may be used in lieu of mission aircraft only if sensor pod is not available.

(d) Range Camera Surveys: 86 FWS personnel will use the Makaha Ridge range cameras to monitor for marine mammals within the weapon impact area at least 30 minutes prior to, during, and immediately after training activities.

(e) Helicopter surveys: If military aircraft equipped with a sensor pod cannot be used for marine mammal surveys, the 86 FWS may substitute a

helicopter as the survey platform. The helicopter will fly at an approximately 200 feet altitude and will cover the 8 mi monitoring area. If adverse weather conditions preclude the ability for aircraft to safely operate, missions would either be delayed until the weather clears or cancelled for the day.

(f) Acoustic Monitoring:

(1) The 86 FWS will comply with all acoustic monitoring as described in the 86 FWS Mitigation and Monitoring Plan.

(2) Acoustic data from the PRMF hydrophones will be collected and stored by the 86 FWS. Data will be analyzed to better understand the effects of LRS WSEP missions. The results of the analysis will accompany any subsequent LOA request or, if no request is made, no later than 90 after expiration of the LOA.

(g) The 86 FWS will contact the Pacific Islands Region stranding coordinator, NMFS, by email, at least 72 hours prior to mission onset and one business day after completion of missions to declare that missions are complete.

(h) The Holder of the LOA is required to:

(1) Submit a draft report to NMFS OPR on all monitoring conducted under the LOA within 90 days of the completion of marine mammal monitoring or accompanying a subsequent application for regulations. A final report shall be prepared and submitted within 30 days following resolution of comments on the draft report from NMFS. This report must contain the informational elements described in the Monitoring Plan, and shall also include:

(i) Date and time of each LRS WSEP mission;

(ii) A complete description of the pre-exercise, exercise, and post-exercise activities related to mitigating and monitoring the effects of LRS WSEP missions on marine mammals; and;

(iii) Results of the monitoring program, including numbers by species/stock of any marine mammals noted injured or killed as a result of the LRS WSEP mission and number of marine mammals (by species if possible) that may have been harassed due to presence within the designated harassment zones.

(iv) The draft report will be subject to review and comment by NMFS. Any recommendations made by NMFS must be addressed in the final report prior to acceptance by NMFS. The draft report will be considered the final report for this activity under the LOA if NMFS has not provided comments and recommendations within 90 days of receipt of the draft report.

(2) Report injured or dead marine mammals:

(i) In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the LOA, such as an injury for species not authorized (Level A harassment), serious injury, or mortality, the 86 FWS shall immediately cease the specified activities and immediately report the incident to Pacific Islands Regional Stranding Coordinator (888–256–9840), NMFS followed by a report submitted to NMFS Office of Protected Resources and the Pacific Islands Regional Office within 24 hours. The report must include the following information:

(A) Time and date of the incident;

(B) Description of the incident;

(C) Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);

(D) Description of all marine mammal observations in the 24 hours preceding the incident;

(E) Species identification or description of the animal(s) involved;

(F) Fate of the animal(s); and

(G) Photographs or video footage of the animal(s).

(ii) Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with 86 FWS to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. The 86 FWS may not resume their activities until notified by NMFS.

(iii) In the event that 86 FWS discovers an injured or dead marine mammal, and the lead observer determines that the cause of the injury or death is unknown and the death is relatively recent (*e.g.,* in less than a moderate state of decomposition), 86 FWS shall immediately report the incident to the Pacific Islands Regional Stranding Coordinator, followed by a report to NMFS Office of Protected Resources and the Pacific Island Regional Office within 24 hours of the discovery. The report must include the same information identified in paragraph (h)(2)(i) of this section. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with 86 FWS to determine whether additional mitigation measures or modifications to the activities are appropriate.

(iv) In the event that 86 FWS discovers an injured or dead marine mammal, and the lead observer determines that the injury or death is not associated with or related to the activities authorized in the LOA (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, scavenger damage), 86 FWS shall report the incident to the Office of Protected Resources, NMFS, and the Pacific Islands Regional Stranding Coordinator, NMFS, within 24 hours of the discovery. The 86 FWS shall provide photographs or video footage or other documentation of the stranded animal sighting to NMFS.

(3) Additional Conditions:

(i) The Holder of the LOA must inform the Director, Office of Protected Resources, NMFS, (301–427–8400) or designee (301–427–8401) prior to the initiation of any changes to the monitoring plan for a specified mission activity.

(ii) A copy of the LOA must be in the possession of the safety officer on duty each mission day.

(iii) The LOA may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein, or if NMFS determines the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals.

§ 218.56 Letters of Authorization.

(a) To incidentally take marine mammals pursuant to these regulations, 86 FWS must apply for and obtain an LOA.

(b) An LOA, unless suspended or revoked, may be effective for a period of time not to exceed the expiration date of these regulations.

(c) If an LOA expires prior to the expiration date of these regulations, 86 FWS must apply for and obtain a renewal of the LOA.

(d) In the event of projected changes to the activity or to mitigation and monitoring measures required by an LOA, 86 FWS must apply for and obtain a modification of the LOA as described in § 218.57.

(e) The LOA will set forth:

(1) Permissible methods of incidental taking;

(2) The number of marine mammals, by species and stock, authorized to be taken;

(3) Means of effecting the least practicable adverse impact (*i.e.,* mitigation) on the species of marine mammals authorized for taking, on its habitat, and on the availability of the species for subsistence uses; and

(4) Requirements for monitoring and reporting.

(f) Issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations.

(g) Notice of issuance or denial of an LOA will be published in the **Federal Register** within 30 days of a determination.

§ 218.57 Renewals and Modifications of Letters of Authorization.

(a) An LOA issued under § 216.106 of this chapter and § 218.56 for the activity identified in § 218.50(a) will be renewed or modified upon request by the applicant, provided that:

(1) The proposed specified activity and mitigation, monitoring, and reporting measures, as well as the anticipated impacts, are the same as those described and analyzed for these regulations (excluding changes made pursuant to the adaptive management provision in paragraph (c)(1) of this section), and

(2) NMFS determines that the mitigation, monitoring, and reporting measures required by the previous LOA under these regulations were implemented.

(b) For an LOA modification or renewal request by the applicant that include changes to the activity or the mitigation, monitoring, or reporting (excluding changes made pursuant to the adaptive management provision in paragraph (c)(1) of this section) that do not change the findings made for the regulations or result in no more than a minor change in the total estimated number of takes (or distribution by species or years), NMFS may publish a notice of proposed LOA in the **Federal Register,** including the associated analysis illustrating the change, and solicit public comment before issuing the LOA.

(c) An LOA issued under § 216.106 of this chapter and § 218.56 for the activity identified in § 218.50(a) may be modified by NMFS under the following circumstances:

(1) Adaptive Management—NMFS may modify and augment the existing mitigation, monitoring, or reporting measures (after consulting with the 86 FWS regarding the practicability of the modifications) if doing so creates a reasonable likelihood of more effectively accomplishing the goals of the mitigation and monitoring.

(i) Possible sources of data that could contribute to the decision to modify the mitigation, monitoring, and reporting measures in an LOA include, but is not limited to:

(A) Results of new range-to-effects models based on maximum amount of weapons, by type, utilized during each mission;

(B) Results from 86 FWS's monitoring from the previous year(s);

(C) Results from other marine mammal and/or sound research or studies; or

(D) Any information that reveals marine mammals may have been taken in a manner, extent, or number not authorized by the regulations or subsequent LOA.

(ii) If, through adaptive management, the modifications to the mitigation, monitoring, or reporting measures are substantial, NMFS will publish a notice of proposed LOA in the **Federal Register** and solicit public comment.

(2) Emergencies—If NMFS determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in the LOA issued pursuant to § 216.106 of this chapter and § 218.50, an LOA may be modified without prior notice or opportunity for public comment. Notice would be published in the **Federal Register** within 30 days of the action.

§ 218.58 [Reserved]

§ 218.59 [Reserved]

[FR Doc. 2017–17718 Filed 8–21–17; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 161
Tuesday, August 22, 2017

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

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Chapter VII

Regulatory Reform Agenda

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: NCUA has established a Regulatory Reform Task Force (Task Force) to oversee the implementation of the agency's regulatory reform agenda. This is consistent with the spirit of President Trump's regulatory reform agenda and Executive Order 13777. Although NCUA, as an independent agency, is not required to comply with Executive Order 13777, the agency chooses to comply with its spirit and has reviewed all of NCUA's regulations to that end. The substance of the Task Force's initial report is provided in this notice. NCUA seeks public comment on the report and if any other regulatory changes should be made.

DATES: Comments must be received on or before November 20, 2017.

ADDRESSES: You may submit comments by any one of the following methods (Please send comments by one method only):

- *NCUA Web site: https://www.ncua.gov/about/pages/board-comments.aspx.*
- *Email:* Address to *boardcomments@ncua.gov.* Include ''[Your name]—Comments on NCUA Regulatory Reform Agenda'' in the email subject line.
- *Fax:* (703) 518–6319. Use the subject line described above for email.
- *Mail:* Address to Gerald Poliquin, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mailing address.

Public Inspection: You can view all public comments on NCUA's Web site at *https://www.ncua.gov/about/pages/board-comments.aspx* as submitted, except for those we cannot post for technical reasons. NCUA will not edit or remove any identifying or contact information from the public comments submitted. You may inspect paper copies of comments in NCUA's headquarters at 1775 Duke Street, Alexandria, Virginia 22314, by appointment weekdays between 9 a.m. and 3 p.m. To make an appointment, call (703) 518–6546 or send an email to *OGCMail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Thomas I. Zells, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314 or telephone: (703) 548–2478.

SUPPLEMENTARY INFORMATION

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I. Background

a. NCUA's Regulatory Mission

NCUA, as a prudential safety and soundness regulator, is charged with protecting the safety and soundness of the credit union system and, in turn, the National Credit Union Share Insurance Fund (NCUSIF) and the taxpayer through regulation and supervision. NCUA's mission is to ''provide, through regulation and supervision, a safe and sound credit union system, which promotes confidence in the national system of cooperative credit.'' [1] Consistent with that mission, NCUA has statutory responsibility for a wide variety of regulations that protect the credit union system, members, and the NCUSIF.

b. The Regulatory Reform Agenda

President Trump has established a regulatory reform agenda and issued multiple executive orders designed to alleviate unnecessary regulatory burdens. NCUA is not subject to these executive orders but has nonetheless chosen to comply with them in spirit. Executive Order 13777, entitled ''Enforcing the Regulatory Reform Agenda,'' directs subject agencies to establish Regulatory Task Forces and to evaluate existing regulations to identify those that should be repealed, replaced, or modified. The Executive Order requires subject agencies to, at a minimum, attempt to identify regulations that:

1. Eliminate jobs, or inhibit job creation;

2. Are outdated, unnecessary, or ineffective;

3. Impose costs that exceed benefits;

4. Create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;

5. Are inconsistent with the requirements of section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note), or the guidance issued pursuant to that provision, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or

6. Derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

II. This Notice—NCUA's Implementation of the Regulatory Reform Agenda

In complying with the spirit of Executive Order 13777, NCUA formed its Task Force in March 2017. The Task Force undertook an exhaustive review of NCUA's regulations and issued its first draft report to Chairman McWatters in May 2017 and submitted it without change to the NCUA Board in June 2017. This report outlines the Task Force's proposed review and reporting procedures and makes numerous recommendations for the amendment or repeal of regulatory requirements that the Task Force believes are outdated, ineffective, or excessively burdensome. The substance of the report is provided below. The report has been minimally modified from its original form to ensure readability and compliance with **Federal Register** publication requirements.

[1] *https://www.ncua.gov/About/Pages/Mission-and-Vision.aspx.*

III. The Task Force Report

a. Executive Summary

Executive Order 13777 requires agencies to appoint a Regulatory Reform Officer (RRO) and establish a Regulatory Reform Task Force (Task Force) to oversee the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. Although NCUA is not required to comply with this Executive Order, the agency is choosing to comply with its spirit. From the end of March to the beginning of May, the Task Force met and reviewed all of NCUA's Regulations to determine how best to fulfill the aims of the Executive Order and decide what regulations could be eliminated, revised, improved, or clarified. This report contains the Task Force's initial findings and recommendations.

The Task Force has developed a comprehensive four-year agenda for reviewing and revising NCUA's Regulations. The regulations are broken into three tiers that cover the four-year scope. The Task Force approached this task with Executive Order's stated policy of ''alleviat[ing] unnecessary regulatory burdens placed on the American people'' and the strong philosophy of regulatory relief embraced by both the new administration and NCUA's Chairman in mind. As a result, the Task Force's recommendations eclipse the depth of changes previously proposed during NCUA's Economic Growth and Regulatory Paperwork Reduction Act (EGRPRA) and annual one-third regulatory review processes. For comparison purposes, this report also includes NCUA's 2016 EGRPRA report to Congress and the agency's regulatory review recommendations from 2014–2016. These attachments are not included in this **Federal Register** notice. Instead, they are available on NCUA's Web site at *https://www.ncua.gov/regulation-supervision/Pages/rules.aspx.*

The primary factors for evaluating the tiers were degree of impact and degree of effort, which are described in Section II of this report [section III.c of this **Federal Register** notice]. ''Impact'' is focused on the magnitude of the benefit that would result from the change, and how broadly the stakeholder community would be impacted. ''Effort'' considers how much time and energy would go into making the change. Additional consideration was also given to the need to connect or sequence certain changes together, efforts to change regulations that are already underway, and the overall level of resources available to carry out this comprehensive approach.

Consistent with the spirit of the Executive Order, the Task Force recommends publishing in the **Federal Register**, with a 90 day comment period, a summary version of the Section III [III.d] regulations targeted for reform. This summary version would provide both a description of the regulations and the recommended actions. Publication will require an affirmative NCUA Board vote.

Going forward, the Task Force shall determine a mechanism for measuring progress in performing the tasks outlined in the Executive Order and report to the Board. The Task Force also recommends that in the second quarter of 2018, after NCUA has received and evaluated public comments on the summary version of Section III [III.d], the Task Force, upon consultation with the Board, provide the Board with a second report and a refined blueprint of the timeline for completing the specific amendments discussed in Tiers 2 and 3 of Section III [III.d] of this report. It is important to note that, while the report and refined blueprint will guide NCUA's actions moving forward, the process of implementing the amendments suggested in Tier 1 has already begun.

b. Introduction

Executive Order 13777 states that ''it is the policy of the United States to alleviate unnecessary regulatory burdens placed on the American people.'' It goes on to require that each Task Force created under this Executive Order ''evaluate existing regulations [ ] and make recommendations to the agency head regarding their repeal, replacement, or modification, consistent with applicable law.''

Executive Order 13777 requires agencies to appoint a Regulatory Reform Officer (RRO) and establish a Regulatory Reform Task Force (Task Force) to oversee the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. Although NCUA is not required to comply with this Executive Order, the agency is choosing to comply with its spirit. Because NCUA is an independent agency, it does not have the structure of a cabinet department. Accordingly, the Task Force has tried to cohere the language of the Executive Order to NCUA's structure, as well as follow the timeline outlined in it.

On March 20, 2017, Chairman McWatters appointed General Counsel Michael McKenna as NCUA's Regulatory Reform Officer and chair of the Regulatory Reform Task Force (Task Force). In addition, Chairman McWatters appointed to the Task Force the following: (1) Larry Fazio, Director, Examination & Insurance; (2) Ralph Monaco, Chief Economist; (3) Scott Hunt, Director, Office of National Examinations & Supervision; (4) Eugene Schied, Deputy Chief Financial Officer; and (5) Bob Foster, Director of Public and Congressional Affairs. General Counsel Michael McKenna added Special Counsel to the General Counsel Ross Kendall and Staff Attorney Tom Zells to the Task Force on March 21, 2017.

From the end of March to the beginning of May, the Task Force met and reviewed all of NCUA's Regulations to determine how best to fulfill the aims of the Executive Order and decide what regulations could be eliminated, revised, improved, or clarified. Section II [III.c] provides five general recommendations for complying with the spirt of the Executive Order. Section III [III.d] outlines those regulations the Task Force believes are ripe for reform. The current recommendations are the views of the Task Force; the Task Force has not yet consulted with the NCUA Board, other NCUA staff or sought the opinion of the credit union industry. Sections IV and V of this document contain the NCUA portion of the final EGRPRA report and NCUA's annual one-third regulatory reviews from 2014–2016. The Task Force's recommendations are generally consistent with that report and the regulatory reviews, but more fully embrace the regulatory relief philosophy of the current administration, the Chairman and Executive Order 13777, and should be used as guiding principles for the NCUA Board's regulatory reform initiatives moving forward.

c. General Recommendations

The NCUA Regulatory Reform Task Force recommends a comprehensive approach for eliminating, revising, improving, and clarifying NCUA's regulations over a four year period. The approach would examine all aspects of NCUA's regulations and embrace the strong philosophy of regulatory relief promoted by the new administration, NCUA's Chairman, and Executive Order 13777. The Task Force's recommendations propose greater and more significant regulatory relief amendments than have been embraced in the past. As such, this report makes recommendations that, while for the most part consistent with those articulated in NCUA's EGRPRA report

and annual one-third regulatory reviews, may not have been prescribed by those documents.

The general framework for this approach considers as primary factors both the ''degree of effort'' and ''degree of impact'' involved in amending each section of the existing regulations.

Additional consideration is also given to the need to connect or sequence certain changes together, efforts to change regulations that are already underway, and the overall level of resources available to carry out this comprehensive approach. All regulatory changes will require the affirmative vote of the NCUA Board.

The *primary factors* for assessing how to comprehensively approach the review of NCUA regulations are defined as follows:

Degree of Effort: The degree of effort considers factors such as the length of time needed to make the change, the complexity of the change, the resources needed to make the change and the perceived contentiousness of the change. A lower degree of effort has relatively fewer of these characteristics than does a high degree of effort.

Degree of Impact: The degree of impact mostly considers the number of credit unions that would experience a benefit from the change. A low degree of impact classification does not mean that an amendment is unimportant.

The table on the following page arranges these two primary factors into an effort/impact prioritization matrix. The purpose of the matrix is to guide agency efforts toward the actions that are expected to yield the greatest benefit relative to the degree of effort to make a particular change. The more immediate focus of the regulatory reform effort should emphasize changes that would require a relatively small effort in order to yield a large impact (benefit), as well as some changes with a significant impact that may require a higher degree of effort (the right side of the matrix). Changes that would fall on the left side of the matrix (lesser impact) will also be pursued in this comprehensive approach, but in many cases as a less immediate focus.

NCUA Regulatory Reform Task Force
Effort/Impact Prioritization Matrix for Approaching Comprehensive Regulatory Review

(High) ↑	Change requires high degree of effort to yield relatively low impact. These are viewed as lower priority and in need of further study/assessment.	Change requires high degree of effort, but may yield a high degree of impact. Some of these deserve immediate action.
Degree of Effort ↓ (Low)	Change consists of relatively low effort, but also is believed to be of relatively low impact. Some of these may deserve immediate action, subject to resources.	Change is high impact and low effort. Potential quick regulatory relief for immediate action.
	(Low) ← **Degree of Impact** → (High)	

The Task Force's initial prioritization of regulatory reforms is presented in Section III [III.d] of this document, which prioritizes the regulatory review into three tiers. As expressed in Section III [III.d], Tier 1 regulations provide the most important targets for reform and they should be amended in the first two years of this project. Tier 2 and Tier 3 regulations would be implemented in year three and year four respectively. The timeframe for Tier 2 and Tier 3 is dependent on timely completion of Tier 1 and NCUA Board priorities. Tier 2 and Tier 3 regulations should be scheduled later because generally these will require more research and consensus on reform initiatives.

Consistent with the Executive Order, the Task Force recommends publishing in the **Federal Register**, with a 90 day comment period, a summary version of the Section III [III.d] regulations targeted for reform. This summary version would include a description of the regulations and the recommended actions. Publication will require an affirmative NCUA Board vote. The Task Force also recommends a Board briefing at an open meeting to report on the substance of the comments received, as well as to report on the progress in reforming Tier 1 regulations.

The Task Force also recommends that in the second quarter of 2018, after NCUA has received and evaluated

public comments on the summary version of Section III [III.d], the Task Force, upon consultation with the Board, provide the Board with a refined blueprint of the timeline for completing the specific amendments discussed in Tiers 2 and 3 of Section III [III.d] of this report. It is important to note that, while the report and refined blueprint will guide NCUA's actions moving forward, the process of implementing the amendments suggested in Tier 1 has already begun. Despite this blueprint, NCUA Board future priorities may change over time with circumstances, so ongoing changes to the tiers can be expected.

In light of the comprehensive approach articulated by the Executive Order, the Task Force recommends suspending the Office of General Counsel's annual one-third review of NCUA's Regulations because the Task Force will have reviewed all of NCUA's Regulations as part of this project. The Task Force recommends that the one-third review be revived again in 2020.

The Task Force recommends that the offices of primary interest, the Office of General Counsel and the Office of Examination & Insurance take the lead in revising all regulations. This makes sense both because of the substantive expertise each office of primary interest will have for individual regulations and because the regular duties of both the General Counsel and the Director of E&I encompass the efforts that will be required in amending the regulations. The lead offices will also consult and engage other offices as needed.

Finally, the Task Force recommends the agency continue to coordinate with the other federal financial institution regulators to determine if there are any joint rulemakings that can be targeted for reform.

d. Regulatory Recommendations and Proposed Timeline [2]

As noted, Section III [III.d] details the specific regulations the Task Force identified as being ripe for reform initiatives and makes general recommendations about how each of the identified regulations should be amended and the timeline that should be followed. The Task Force's recommendations, as described in Section II [III.c], follow.

i. Tier 1 (First 24 Months)

1. § 701.21—Loans to Members and Lines of Credit to Members

Addresses: Loan maturity limits for federal credit unions.

Sections: 701.21(c)(4),(f), & (g).

Category: Clarify.

Degree of Effort: Moderate.

Degree of Impact: High.

Recommendation: Combine all the maturity limitations into one section. Current maturity limits are confusing because they are not all co-located. Also, incorporate the legal opinion with respect to modifications to make it clear a lending action (like a troubled debt restructuring) that does not meet the generally accepted accounting principles (GAAP) standard for a ''new loan'' is not subject to the maturity limits. In addition, consider providing longer maturity limits for 1–4 family real estate loans and other loans (such as home improvement and mobile home loans) permitted by 12 U.S.C. 1757(5)(A)(i) and (ii) and removing the ''case-by-case'' exception the NCUA Board can provide.

Addresses: Single borrower and group of associated borrowers limit.

Sections: 701.21(c)(5); 701.22(a) & (b)(5); 723.2 & 723.4(c).

Category: Clarify.

Degree of Effort: Low.

Degree of Impact: High.

Recommendation: Combine single borrower (and group of associated borrowers) limits into one provision. Currently these limits are interspersed in the general loan, loan participation and member business lending regulations. It would provide clarity and consistency to incorporate all references in one location.

Addresses: Third-party servicing of indirect vehicle loans.

Sections: 701.21(h).

Category: Remove.

Degree of Effort: Low.

Degree of Impact: Moderate.

Recommendation: Revise this section to eliminate the portfolio limits and related waiver provision. A single, comprehensive third-party due diligence regulation would address the minimum expectations for credit unions using any servicers.

2. § 701.21—Loans to Members and Lines of Credit to Members

Addresses: Compensation in connection with loans.

Sections: 701.21(c)(8).

Category: Clarify.

Degree of Effort: Low.

Degree of Impact: Moderate/High.

Recommendation: Modify to provide flexibility with respect to senior executive compensation plans that incorporate lending as part of a broad and balanced set of organizational goals and performance measures.

3. Appendix A to Part 701—Federal Credit Union Bylaws

Addresses: Federal Credit Union Bylaws.

Sections: Appendix A to Part 701.

Category: Improve.

Degree of Effort: High.

Degree of Impact: High.

Recommendation: Recommend using an ANPR and forming a working group to update the Bylaws. The Bylaws have not been significantly updated in nearly a decade and need to be modernized; the modernization is likely to be complex enough to require a working group approach.

4. Appendix B to Part 701—Chartering and Field of Membership Manual

Addresses: Field of Membership.

Sections: Appendix B to Part 701.

Category: Expand Authority.

Degree of Effort: Moderate.

Degree of Impact: Moderate.

Recommendation: Revise the chartering and field of membership rules to give applicants for community-charter approval, expansion or conversion the option, in lieu of a presumptive community, to submit a narrative to establish common interests or interaction among residents of the area it proposes to serve, thus qualifying the area as a well-defined local community. Add public hearings for determining well-defined local communities with populations over 2.5 million. Remove the population limit on a community consisting of a statistical area or a portion thereof. Finally, when such an area is subdivided into metropolitan divisions, permit a credit union to designate a portion of the area as its community without regard to division boundaries.[3]

5. Appendix B to Part 701—Chartering and Field of Membership Manual

Addresses: Emergency Mergers.

Sections: Appendix 1 to Appendix B to Part 701.

Category: Improve.

Degree of Effort: Moderate.

Degree of Impact: Moderate.[4]

Recommendation: Revise the definition of the term ''in danger of insolvency'' for emergency merger purposes to provide a standard that better protects the National Credit Union Share Insurance Fund (NCUSIF). First, for two of the three current net worth-based categories, extend the time period in which a credit union's net worth is projected to either render it

[2] Recommendation Categories: Remove, Clarify, Simplify, Improve, Expand (Authority/Relief).

[3] The timeline of this rule is subject to pending litigation.

[4] Includes potential efficiencies and/or cost savings for NCUA.

insolvent or drop below two percent from 24 to 30 months and from 12 to 18 months, respectively. Additionally, add a fourth category to the three existing net worth-based categories of the definition, to include credit unions that have been granted or received assistance under section 208 of the Federal Credit Union Act (FCU Act) within the last 15 months.

6. Part 702—Capital Adequacy

Addresses: Capital Planning and Stress Testing.
Sections: 702.501–702.506.
Category: Expand Relief.
Degree of Effort: Moderate.
Degree of Impact: Moderate.[5]
Recommendation: Explore raising the threshold for required stress testing to an amount greater than $10 billion, and assigning responsibility for conducting stress testing to the credit unions.

7. Part 702—Capital Adequacy

Addresses: Risk-Based Capital (Delay).
Sections: 702.
Category: Improve.
Degree of Effort: Low.
Degree of Impact: High.[6]
Recommendation: Consider extending the January 1, 2019, implementation date to avoid needing to develop call report and system changes while this rule is under review. This will also allow time for the agency to more closely coincide changes with the implementation of the new expected credit loss accounting standard and consider any changes in risk-based capital standards for community banks currently being considered by the federal banking agencies.[7] Considerations include changing the definition of complex to narrow the applicability of the rule, allowing for credit unions with high net worth ratios to be exempt, and simplifying the overall risk category and weighting scheme. (See also number 7 in Tier 2 discussion below.)

8. Part 704—Corporate Credit Unions

Addresses: Corporate Credit Unions.
Sections: 704.
Category: Improve.
Degree of Effort: Moderate.
Degree of Impact: Low.
Recommendation: Amend capital standards for corporate credit unions to include expanding what constitutes Tier 1 Capital. For mergers, permit Tier 1 Capital to include GAAP Equity Acquired. Also, establish a retained earnings requirement of 2.50 percent, which, when achieved, will allow for all perpetual contributed capital to be included in Tier 1 Capital. The current rule for perpetual contributed capital would remain in effect until the retained earnings requirement is met.

9. Part 713—Fidelity Bond and Insurance Coverage

Addresses: Fidelity Bond and Insurance Coverage.
Sections: 713.
Category: Improve.
Degree of Effort: High.
Degree of Impact: High.[8]
Recommendation: Explore ways to implement the requirements of the FCU Act in the least costly way possible. While requiring fidelity coverage is an FCU Act requirement, NCUA's objective should be to allow a credit union to make a business decision based on their own product and service needs. This will effectively reduce NCUA's involvement in a credit union's operational decisions while maintaining the spirit of the FCU Act. This should be done separately from the Regulatory Reform Task Force.[9]

10. Part 715—Supervisory Committee Audits and Verification

Addresses: Engagement letter, target date of delivery.
Sections: 715.9(c)(6).
Category: Remove.
Degree of Effort: Low.
Degree of Impact: High.
Recommendation: Revise this section of the regulation to remove the specific ''120 days from the date of calendar or fiscal year-end under audit (period covered)'' reference from this section. Recommend the target date of the engagement letter be presented so the ''credit union can meet the annual audit requirement.'' This allows credit unions to negotiate the target date of delivery with the person or firm they contract with, but also ensures they meet the audit requirement per the FCU Act. This would also alleviate the need for a waiver.

11. Part 715—Supervisory Committee Audits and Verification

Addresses: Audit per Supervisory Committee Guide.
Sections: 715.7(c).
Category: Clarify.
Degree of Effort: Moderate.
Degree of Impact: High.
Recommendation: Revise this to remove the reference to NCUA's Supervisory Committee Audit Guide. In its place, include minimum standards a supervisory committee audit would be required to meet if they do not obtain a CPA opinion audit.

12. Securitization

Addresses: Securitization.
Sections: 721.
Category: Expand Authority.
Degree of Effort: High.
Degree of Impact: Low.
Recommendation: Issue a legal opinion letter authorizing federal credit unions to issue and sell securities under their incidental powers authority. Also, finalize the safe harbor rule proposed in 2014 regarding the treatment by the NCUA Board, as liquidating agent or conservator of a federally insured credit union, of financial assets transferred by the credit union in connection with a securitization or a participation.

13. Part 722—Appraisals

Addresses: Appraisals.
Sections: 722.
Category: Expand Relief.
Degree of Effort: Moderate.
Degree of Impact: High.
Recommendation: NCUA should further explore issuing a rule to raise appraisal thresholds separately from the interagency process. In response to comments received through the EGRPRA process, NCUA joined with the other banking agencies to establish an interagency task force to consider whether changes in the appraisal threshold are warranted. The task force is now drafting a proposed rule to relieve certain appraisal burdens. In particular, the proposal would increase the appraisal threshold from $250,000 to $400,000 for ''commercial real estate loans'' where repayment is dependent primarily on the sale of real estate or rental income derived from the real estate. In contrast to the other agencies' appraisal regulations, NCUA's appraisal regulation does not currently distinguish, with respect to the appraisal threshold requirement, between different types of real estate secured loans. Under 12 CFR part 722, the dollar threshold for any real estate secured loan is $250,000; loans above that amount must be supported by an appraisal performed by a state certified appraiser. The banking agencies' current appraisal regulations have the same $250,000 threshold as NCUA's regulation for most real estate related loans, but also recognize a separate appraisal threshold of $1 million for

[5] Includes potential efficiencies and/or cost savings for NCUA.

[6] Includes potential efficiencies and/or cost savings for NCUA.

[7] CECL (current expected credit loss) is a new accounting standard adopted by the Financial Accounting Standards Board (FASB) affecting how credit unions account for losses and related reserves for financial instruments. The FASB effective date of CECL applicable to credit unions is 2021.

[8] Includes potential efficiencies and/or cost savings for NCUA.

[9] The timeline of this rule is subject to pending litigation.

certain real estate related business loans that are not dependent on the sale of, or rental income derived from, real estate as the primary source of income (hereinafter, qualifying business loans). If NCUA joins the task force in issuing this joint proposed rule defining and raising the threshold for ''commercial real estate loans,'' the agency will likely also need to address the appraisal threshold for ''qualifying business loans'' in a subsequent rulemaking. Recommend that, instead of joining the joint proposed rule, NCUA further explore issuing a rule to raise both thresholds separately from the interagency process.[10]

14. Part 740—Accuracy of Advertising and Notice of Insured Status

Addresses: Accuracy of Advertising and Notice of Insured Status.
Sections: 740.
Category: Expand Relief.
Degree of Effort: Moderate.
Degree of Impact: High.
Recommendation: Revise certain provisions of NCUA's advertising rule to provide regulatory relief to federally insured credit unions. The current draft NPRM proposes to allow federally insured credit unions to use a fourth version of the official advertising statement, ''Insured by NCUA.'' The draft also expands a current exemption from the advertising statement requirement regarding radio and television advertisements and eliminates the requirement to include the official advertising statement on statements of condition required to be published by law. Finally, it requests comment about whether the regulation should be modified to accommodate advertising via new types of social media, mobile banking, text messaging and other digital communication platforms, including Twitter and Instagram. Changes made based on this final request would need to be part of a separate rulemaking.

15. Part 741—Requirements for Insurance [11]

Addresses: Conversion from, or termination of, Federal share insurance.
Sections: 741.4(j)(1)(ii).
Category: Improve.
Degree of Effort: Low,
Degree of Impact: Low.[12]
Recommendation: Revise this section of the regulation to preclude a credit union that has already converted to another form of insurance from receiving a subsequently declared NCUSIF dividend. Currently, if a credit union terminates insurance before a premium is declared it does not pay, but if it terminates insurance before a dividend is declared but within the same calendar year it receives the dividend. This is unfair to credit unions that remain insured.

16. Supervisory Review Committee

Addresses: Supervisory Review Committee.
Sections: 746, Subpart A.
Category: Improve.
Degree of Effort: High.
Degree of Impact: Low.
Recommendation: Expand and formalize procedures by which federally insured credit unions may secure review of material supervisory determinations by NCUA's Supervisory Review Committee (SRC). Broaden the jurisdiction of the SRC to more closely conform to the practices of the other federal financial institution regulatory agencies. Expand the pool of agency personnel who will serve on the SRC and implement an optional, intermediate level of review by the Director of NCUA's Office of Examination and Insurance before a matter is considered by the SRC.

17. Appeals

Addresses: Appeals.
Sections: 746, Subpart B.
Category: Improve.
Degree of Effort: High.
Degree of Impact: Low.
Recommendation: Consolidate procedures currently imbedded in various substantive regulations by which parties affected by an adverse determination at the regional or program office level may appeal that determination to the NCUA Board. Exclude formal enforcement actions and certain other subject areas. Establish uniform procedural guidelines to govern appeals and provide an avenue by which appellants may request the opportunity to appear in person before the Board. Matters that are excluded from the proposed new rule either require a formal hearing on the record in accordance with the Administrative Procedure Act (*e.g.,* formal enforcement actions and certain creditor claims in liquidation) or are already governed by separate, discrete procedures (*e.g.,* enforcement measures under prompt corrective action or material supervisory determinations reviewable by the Supervisory Review Committee). Appeals of matters that are delegated by rule to an officer or position below the Board for final, binding agency action are also excluded.

ii. Tier 2 (Year 3)

1. § 701.22—Loan Participations

Addresses: Establish a limit on the aggregate amount of loan participations that may be purchased from any one originating lender not to exceed the greater of $5 million or 100 percent of the federally insured credit union's net worth (unless waived).
Sections: 701.22(b)(5)(ii); 701.22(c).
Category: Remove.
Degree of Effort: Low.
Degree of Impact: High.
Recommendation: Remove the prescriptive limit on the aggregate amount of loan participations that may be purchased from one originating lender. Replace with a requirement the credit union establish a limit in their policy, and tie into proposed new universal standards for third-party due diligence with heightened standards if it exceeds 100 percent of net worth. Eliminates the need for the waiver provision in section 701.22(c).

2. § 701.23—Purchase, Sale, and Pledge of Eligible Obligations

Addresses: Purchase, sale, and pledge of eligible obligations.
Sections: 701.23.
Category: Clarify & Expand.
Degree of Effort: Moderate.
Degree of Impact: High.
Recommendation: Simplify and combine all the authority to purchase loans and other assets into one section, and provide full authority consistent with the FCU Act. Eligible obligations of the credit union's members should have no limit. Remove CAMEL rating and other limitations not required by the FCU Act.[13]

3. § 741.8—Purchase of assets and assumption of liabilities

Addresses: Purchase of assets and assumption of liabilities.
Sections: 741.8.
Category: Improve.
Degree of Effort: Moderate.
Degree of Impact: Moderate.
Recommendation: Review this regulation to determine if NCUA approval is really needed in purchasing loans and assuming liabilities from market participants other than federally insured credit unions. Credit unions already have relatively broad authority to make loans, buy investments and other assets, and enter into transactions that create liabilities. Requiring NCUA approval in all cases (including

[10] If NCUA decides to join the other agencies in issuing this joint proposed rule the timing will be subject to the interagency process.

[11] Also make technical corrections to the GAAP citations in 741.6(c).

[12] Includes potential efficiencies and/or cost savings for NCUA.

[13] See 12 U.S.C. 1757(7)(E), 1757(13), and 1757(14).

transactions not material to the acquirer) is an inordinate burden for the institution and NCUA.

4. § 701.32—Payment on Shares by Public Units and Nonmembers

Addresses: Payment on shares by public units and nonmembers.
Sections: 701.32.
Category: Expand.
Degree of Effort: Low.
Degree of Impact: Moderate.
Recommendation: Raise the nonmember deposit limit from 20 percent to 50 percent. As the functional equivalent of borrowing, this will parallel the ability of credit unions to borrow from any source up to 50 percent of paid-in and unimpaired capital and surplus per section 1757(9) of the FCU Act. A credit union is required to be low-income designated to accept nonmember deposits, limiting the institutions that can engage in this activity.

5. § 701.34—Designation of Low Income Status; Acceptance of Secondary Capital Accounts by Low-Income Designated Credit Unions

Addresses: Designation of low income status; Acceptance of secondary capital accounts by low-income designated credit unions.
Sections: 701.34.
Category: Improve.
Degree of Effort: High.
Degree of Impact: Low.
Recommendation: See the January 2017 ANPR on Alternative Capital for the broad range of changes that need to be made to this regulation to relocate capital treatment to Part 702 and address securities law issues, issuance and redemption standards, etc.

6. § 701.38—Borrowed Funds From Natural Persons

Addresses: Borrowed funds from natural persons.
Sections: 701.38.
Category: Clarify/Expand.
Degree of Effort: High.
Degree of Impact: Moderate.
Recommendation: Recommend revising this section of the regulation to comprehensively address borrowing authority for federal credit unions. See the January 2017 ANPR on Alternative Capital for a discussion on this subject. Also, see recommended changes to Part 703. A comprehensive borrowing rule could provide clarity and certainty needed to support supplemental capital.

7. Part 702—Capital Adequacy

Addresses: Risk-Based Capital (Substantive Amendments).
Sections: 702.
Category: Improve.
Degree of Effort: High.
Degree of Impact: Low/Moderate.[14]
Recommendation: Considerations include changing the definition of complex to narrow the applicability of the rule, allowing for credit unions with high net worth ratios to be exempt, and simplifying the overall risk category and weighting scheme. These amendments need to be coordinated with any amendments to supplemental and secondary capital, which need to be coordinated with any amendments to the borrowing rule.

8. Alternative Capital

Addresses: Alternative Capital.
Sections: 702 generally.
Category: Expand Authority.
Degree of Effort: High.
Degree of Impact: Low.
Recommendation: As a follow up to the ANPR issued in January 2017, the NCUA Board should consider whether to propose a rule on alternative forms of capital federally insured credit unions could use in meeting capital standards. First, the Board should decide whether to make changes to the secondary capital regulation for low-income designated credit unions. Second, the Board should decide whether or not to authorize credit unions to issue supplemental capital instruments that would only count towards the risk-based net worth requirement.

9. Part 703—Investment and Deposit Activities

Addresses: Investment and Deposit Activities.
Sections: 703.
Category: Improve & Expand.
Degree of Effort: High.
Degree of Impact: High.
Recommendation: Revise the regulation to remove unnecessary restrictions on investment authorities not required by the FCU Act, and provide a principles-based approach focused on governance for investing activity. Also, remove the pre-approval requirement for derivatives authority and substitute with a notice requirement (coheres this to Part 741 for federally insured, state-charted credit unions as well). See the appendix for details on modifying this regulation.

10. § 701.21—Loans to Members and Lines of Credit to Members

Addresses: Put option purchases in managing increased interest-rate risk for real estate loans produced for sale on the secondary market.
Sections: 701.21(i).
Category: Clarify.
Degree of Effort: Low.
Degree of Impact: High.
Recommendation: Recommend moving section 701.21(i) to Part 703 Subpart B—Derivatives Authority to have all options/derivatives authority in one section.

iii. Tier 3 (Year 4+)[15]

1. § TBD—Third-Party Due Diligence Requirements

Addresses: Third-party due diligence requirements.
Sections: TBD.
Category: Simplify & Improve.
Degree of Effort: Moderate.
Degree of Impact: High.
Recommendation: Add a comprehensive third-party due diligence regulation and remove and/or relocate such provisions from other regulations.

2. § 701.21—Loans to Members and Lines of Credit to Members

Addresses: Preemption of state laws
Sections: 701.21(b)
Category: Simplify & Improve
Degree of Effort: Moderate
Degree of Impact: High
Recommendation: Enhance Federal preemption where possible and appropriate. Federal credit unions that are multi-state lenders still are subject to a variety of state laws that create overlap and additional regulatory burden. Enhancing preemption where possible and appropriate may help reduce overlap and burden.

3. § 701.21—Loans to Members and Lines of Credit to Members

Addresses: Loan interest rate, temporary rate.
Sections: 701.21(c)(7)(ii).
Category: Expand/Clarify.
Degree of Effort: Moderate.
Degree of Impact: Low.[16]
Recommendation: Research the possibility of using a variable rate instead of a fixed, temporary rate. Also, remove the specific means for notifying credit unions to preserve future flexibility in sending notices in the most efficient and suitable manner available.

4. § 701.37—Treasury Tax and Loan Depositaries and Financial Agents of the Government

Addresses: Treasury tax and loan depositaries and financial agents of the Government.
Sections: 701.37.

[14] Degree of impact depends on the approach.

[15] These regulations will require more discussion on any potential changes.

[16] Includes potential efficiencies and/or cost savings for NCUA.

Category: Remove/Improve.
Degree of Effort: Moderate.
Degree of Impact: Undetermined.
Recommendation: Determine if this regulation remains relevant and necessary.

5. Part 709—Involuntary Liquidation of Federal Credit Unions and Adjudication of Creditor Claims Involving Federally Insured Credit Unions in Liquidation

Addresses: Payout priorities in involuntary liquidation.
Sections: 709.5.
Category: Clarify.
Degree of Effort: Low.
Degree of Impact: Low.[17]
Recommendation: Revise the payout priorities to make unsecured creditors *pari passu* with the NCUSIF. Currently, unsecured creditors are senior to the NCUSIF.

6. Part 712—Credit Union Service Organizations (CUSOs)

Addresses: Credit Union Service Organizations (CUSOs).
Sections: 712.
Category: Remove & Expand.
Degree of Effort: Low.
Degree of Impact: High.
Recommendation: Recommend examining the CUSO regulation and evaluating the permissible activities in light of the FCU Act permitting CUSOs ''whose business relates to the daily operations of the credit unions they serve'' [18] or that are ''providing services which are associated with the routine operations of credit unions.'' [19]

7. Part 714—Leasing

Addresses: Leasing.
Sections: 714.
Category: Improve.
Degree of Effort: Moderate.
Degree of Impact: Undetermined.
Recommendation: Review this regulation to identify if any changes or improvements are needed.

8. Part 725—National Credit Union Administration Central Liquidity Facility (CLF)

Addresses: National Credit Union Administration Central Liquidity Facility (CLF).
Sections: 725.
Category: Clarify.
Degree of Effort: Moderate.
Degree of Impact: Moderate.
Recommendation: Update this regulation to streamline, facilitate the use of correspondents, and reduce minimum collateral requirements for certain loans/collateral.

9. Part 741—Requirements for Insurance

Addresses: Maximum borrowing authority.
Sections: 741.2.
Category: Remove.
Degree of Effort: Low.
Degree of Impact: Low.
Recommendation: Remove the 50 percent borrowing limit for federally insured, state-chartered credit unions and the related waiver provision. State law should govern in this area.

10. Part 741—Requirements for Insurance

Addresses: Special reserve for nonconforming investments.
Sections: 741.3(a)(2).
Category: Remove.
Degree of Effort: Low.
Degree of Impact: Technical Amendment.
Recommendation: Remove as no longer necessary and not consistent with GAAP.[20]

11. Part 748—Security Program, Report of Suspected Crimes, Suspicious Transactions, Catastrophic Acts, and Bank Secrecy Act Compliance

Addresses: Security Program, Report of Suspected Crimes, Suspicious Transactions, Catastrophic Acts, and Bank Secrecy Act Compliance.
Sections: 748.
Category: Improve.
Degree of Effort: Moderate.
Degree of Impact: High.
Recommendation: Review this regulation to identify if any changes or improvements are needed. Recommend using an ANPR and forming a working group due to the complexity.

12. Part 749—Records Preservation Program and Appendices—Record Retention Guidelines; Catastrophic Act Preparedness Guidelines

Addresses: Records Preservation Program and Appendices—Record Retention Guidelines; Catastrophic Act Preparedness Guidelines
Sections: 749
Category: Improve
Degree of Effort: Moderate
Degree of Impact: High
Recommendation: Review this regulation to identify if any changes or improvements are needed. Recommend using an ANPR and forming a working group due to the complexity.

e. Appendix to Section III—Part 703 Recommendations Details

INVESTMENTS—PART 703 SUBPART A

Item	Change	Rationale
1. Investment Policies § 703.3	Fine tune section to focus on investment activities and not on balance sheet activities. E.g., remove (c) and (d), IRR and liquidity, since those items should be addressed in the IRR and liquidity policies.	Reduces burden on credit unions by not requiring IRR and liquidity policies in the investment policy. Also should help credit unions focus on balance sheet risk.
2. Discretionary Control Over Investments and Investment Advisor § 703.5(b)(1)(ii), § 703.5(b)(2)—(Net worth limit).	Remove 100 percent of net worth limit for delegated discretionary control. Would need to add language to ensure credit unions have provided investment advisors with investment guidelines that contain: Duration/average life targets, permissible investments, and investment limits.	This would allow credit unions to have professionally managed, separate-account, investments without imposing a limit. There are no limits on mutual funds where the credit union has less control of what the manager invests in. Separate-account delegated discretionary programs have considerably more transparency than mutual funds.
3. Discretionary Control Over Investments and Investment Advisor § 703.5(b)(3)—(Due diligence).	Remove prescriptive due diligence requirements and simply state the credit union must perform due diligence on the investment advisor.	This section is too prescriptive for a credit union to perform due diligence. It also does not focus on the investment advisor's ability to manage investments for the credit union.

[17] Includes potential efficiencies and/or cost savings for NCUA.
[18] 12 U.S.C. 1757(5)(D).
[19] 12 U.S.C. 1757(7)(I).
[20] There are 11 federally insured, state-chartered credit unions from 8 different states that report a total of $4.4 million in this account on the Call Report as of December 31, 2016.

INVESTMENTS—PART 703 SUBPART A—Continued

Item	Change	Rationale
4. Credit Analysis § 703.6—(Due diligence)	Modify exception to credit analysis requirements to only securities guaranteed by the entities listed in the section.	This will make it clear that NCUA requires credit analysis for investments not guaranteed, but issued by, agencies. Currently the rule would not require a credit analysis for a Fannie Mae loss sharing bond or an unguaranteed subordinate tranche of a Freddie Mac multi-family mortgage security.
5. Credit Analysis § 703.6—(Maximum credit risk).	Require a minimum of investment grade for all investments.	Sets a minimum expectation of credit worthiness for all investments purchased under the Part 703 investment authority.
6. Credit Analysis § 703.6—(Credit union process and people).	A credit union, or its investment advisor, must have sufficient resources, knowledge, systems, and procedures to handle the risks and risk management (e.g. IRR modeling) of the investments it purchases.	This establishes the basic standard for a credit union to purchase an investment. This will allow for a loosening of Part 703 since NCUA has established standards to purchase investments that may have been prohibited or restricted in the past.
7. Broker-Dealers—§ 703.8(b)—(Due diligence)	Remove prescriptive due diligence requirements and simply state the credit union must perform due diligence on the broker-dealer.	This section is too prescriptive for a broker-dealer that doesn't provide advice. May want to specify standards for broker-dealers that provide advice to credit unions.
8. Monitoring Non-Security Investments § 703.10—(Reporting requirements).	Remove this section	Unduly prescriptive.
9. Valuing Securities § 703.11(a) & (d)—(Due diligence).	Combine sections and remove the reference to two price quotations. The requirement should be that the credit union use market inputs to determine if the purchase is at a reasonable market price.	Currently too prescriptive. A principled approach conforms more to market convention.
10. Valuing Securities § 703.11(c)—(Due diligence).	Remove this section	Unnecessary. This should be dictated by GAAP.
11. Monitoring Securities § 703.12(a)—(Reporting requirements).	Move to and combine with § 703.11	Streamlines Part 703.
12. Monitoring Securities § 703.12(b), (c) and (d)—(Reporting requirements).	Remove these sections and 703.12 (a) will be combined with Part 703.11.	Unduly prescriptive.
13. Permissible Investment Activities and Permissible Investments § 703.13 and § 703.14.	Merge these sections and add language from the FCU Act for permissible investments.	Streamlines rule and provides full investment authority allowed under the Act.
14. Permissible Investment Activities § 703.13(d) (Borrowing repurchase transactions).	Allow mismatch permissible in § 703.20 as the "base" permissible activity.	A 30 day mismatch is not very risky.
15. Permissible Investments § 703.14(a)—(Permissible indices for variable rate investments).	Expand permissible indices for credit unions that have sufficient resources, knowledge, systems, and procedures to handle the risks of the investment. Ability to model the investment for IRR should be required.	This could provide credit unions with investments that they could benefit from and not pose a risk to the NCUSIF.
16. Permissible Investments § 703.14(e)—(Muni bond limits).	Remove limitations on municipal exposure	This limit is unnecessary. Credit unions should determine limits.
17. Permissible Investments § 703.14(h)—(Mortgage note repurchase transactions).	Limits will be reviewed to determine if they are appropriate.	Limits may need to be increased or eliminated.
18. Permissible Investments § 703.14(i)—(Zero coupon investment restrictions).	Remove limits on zero-coupon investments	Interest rate and liquidity risk should be managed from a balance sheet standpoint. This appears to try to manage it from an individual security standpoint. This limit is unnecessary.
19. Permissible Investments § 703.14(j)(3)—(Commercial mortgage related securities).	Remove this section	Not realistic in the current market place. Furthermore, having a large number of loans was actually a negative in many CMRS deals prior to 2007. Less attention was paid to the smaller loans that were poorly underwritten versus the larger loans in the deal.
20. Prohibited Investment Activities § 703.15—(Short Sales).	Review regulatory history on the prohibition of short sales.	Restriction may be reconsidered.
21. Prohibited Investments § 703.16(a)—(Mortgage servicing rights).	Determine if mortgage servicing rights (MSRs) are permissible for credit unions to purchase per the FCU Act. If so, there should be consideration given to permit the purchase of MSRs.	Buying MSRs from other credit unions may offer efficiencies in the credit union system.
22. Prohibited Investments § 703.16(b)—(Exchangeable, IO and PO MBS).	Remove this section	A credit union should be able to purchase interest-only and principal-only investments if it has sufficient resources, knowledge, systems, and procedures to handle the risks and risk management (e.g. IRR modeling) of the investments it purchases.

INVESTMENTS—PART 703 SUBPART A—Continued

Item	Change	Rationale
23. Grandfathered Investments § 703.18	Remove sections that will no longer apply based on other changes in the rule.	Some parts of the section may not apply due to other changes in the rule.
24. Investment Pilot Program § 703.19	Remove this section	Pilot programs will no longer be needed with the proposed changes.
25. Request for Additional Authority § 703.20	Remove this section	Will no longer be needed with the removal or alignment of the restrictions in other sections.

DERIVATIVES—PART 703 SUBPART B AND RELATED ITEMS

Item	Change	Rationale
1. "Move" Put-option purchases in managing increased interest-rate risk for real estate loans produced for sale on the secondary market, in 701.21(i) to 703.102(a).	Move the product to the Subpart B permissible derivative products.	This would consolidate into one place all permissible derivative activities.
2. "Move" European financial options contract in 703.14(g) to 703.102(a).	Move the product to the Subpart B permissible derivative products.	This would consolidate into one place all permissible derivative activities.
3. "Rename" 703 Subpart B from "Derivatives Authority" to "Derivatives and Hedging Authority".	Name change	Would widen the rule to address off balance sheet hedging instruments that are permissible.
4. "Move and Modify" Derivatives section in 703.14(k) to 703 Subpart B.	With the move, remove 703.14(k)(1), move 703.14(k)(2) to 703.100 and move 703.14(k)(3) to 703.102.	Would provide more clarity on hedging activities for TBA, Dollar Rolls, etc.
5. "Modify" Derivatives Application process to "Notification".	Remove the FCU application requirements and replace with a "Notification". This would require changes to § 703.108, § 703.109, § 703.110, § 703.111, § 703.112.	The "Notification" requirements would include providing NCUA with at least 60 day notice before initially engaging in a Derivative transaction.
6. "Remove" Derivatives Regulatory Limits	Remove the volume limits on derivatives activity. This would require changes to § 703.103, § 703.105, Appendix A.	Will be better supported as part of supervision guidance and possible use as scoping metrics.
7. "Expand" Eligible Collateral for Margining	Expand the eligible collateral in 703.104(a)(2)(iii) to include Agency Debt (Ginnie Mae Securities).	This is an acceptable practice and should have been in the Final Rule.
8. "Modify" Eligibility (only part)	Remove or change 703.108(b) to require notice but not pre-approval, and re-evaluate the CAMEL and asset size eligibility criteria.	Allows for more credit unions to use derivatives to manage interest rate risk subject to supervisory intervention if they are not equipped to manage it properly.
9. "Modify" Notification requirement for FISCUs	Change 741.219(b)	Make consistent with FCU notification requirements.
10. "Remove" Pilot Program Participants	Change 703.113	Not relevant anymore.

IV. Request for Comment

Executive Order 13777 requires that "each Regulatory Reform Task Force shall seek input and other assistance, as permitted by law, from entities significantly affected by Federal regulations, including State, local, and tribal governments, small businesses, consumers, non-governmental organizations, and trade associations." In compliance with the spirit of the Executive Order, the Board seeks comments on all aspects of the Task Force's report.

Commenters are also encouraged to discuss any other relevant issues they believe NCUA should consider with respect to reducing regulatory burden and fulfilling the aims of Executive Order 13777. The Board requests that, to the extent feasible, commenters provide documentation to support any recommendations.

By the National Credit Union Administration Board on August 15, 2017.

John H. Brolin,

Acting Board Secretary.

[FR Doc. 2017–17673 Filed 8–21–17; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. FDA–2017–F–3717]

Juice Products Association; Filing of Food Additive Petition; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification; petition for rulemaking; correction.

SUMMARY: The Food and Drug Administration (FDA or we) is correcting a notice that appeared in the **Federal Register** of Wednesday, July 26, 2017 (82 FR 34615). The document announced that we have filed a petition, submitted by the Juice Products Association, proposing that the food additive regulations be amended to replace the current Recommended Daily Intake (RDI) percentage values of calcium in fruit juices and fruit juice drinks in the regulation for vitamin D_3 with absolute values and to update the specifications for vitamin D_3. The document was published with incorrect information on the absolute level of added calcium for fruit juice drinks that are fortified with calcium. This document corrects that error.

DATES: This document is publishing in the **Federal Register** on August 22, 2017.

FOR FURTHER INFORMATION CONTACT: Judith Kidwell, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1071.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 26, 2017, in FR Doc. 2017–15535, on page 34615, the following correction is made:

On page 34615, in the second paragraph under the **SUPPLEMENTARY INFORMATION:** caption, in the second column, the second paragraph is corrected to read, ''These proposed changes would allow manufacturers of fruit juices and fruit juice drinks that are fortified with calcium to maintain the absolute level of added calcium at 330 milligrams (mg) and 100 mg, respectively, as established in our regulations at § 172.380(c)(1) and (2).''

Dated: August 17, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–17704 Filed 8–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 328

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 110, 112 116, 117, 122, 230, 232, 300, 302, and 401

[EPA–HQ–OW–2017–0203; FRL–9966–81–OW]

RIN 2040–AF74

Definition of ''Waters of the United States''—Recodification of Pre-Existing Rules; Extension of Comment Period

AGENCY: Department of the Army, Corps of Engineers, Department of Defense; and Environmental Protection Agency (EPA).

ACTION: Proposed rule; Extension of comment period.

SUMMARY: The U.S. Environmental Protection Agency (EPA) and the U.S. Department of the Army are extending the comment period for the proposed rule ''Definition of 'Waters of the United States'—Recodification of Pre-existing Rules.'' The agencies are extending the comment period for 30 days in response to stakeholder requests for an extension, from August 28, 2017 to September 27, 2017.

DATES: The comment period for the proposed rule published on July 27, 2017, at 82 FR 34899, is extended. Comments must be received on or before September 27, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2017–0203, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The agencies may publish any comment received to the 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 agencies will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Ms. Donna Downing, Office of Water (4504–T), Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 566–2428; email address: *CWAwotus@epa.gov;* or Ms. Stacey Jensen, Regulatory Community of Practice (CECW–CO–R), U.S. Army Corps of Engineers, 441 G Street NW., Washington, DC 20314; telephone number: (202) 761–5903; email address: *USACE_CWA_Rule@usace.army.mil.*

SUPPLEMENTARY INFORMATION: On July 27, 2017 (82 FR 34899), the EPA and the U.S. Department of the Army published the proposed rule ''Definition of 'Waters of the United States'—Recodification of Pre-existing Rules'' in the **Federal Register**. The original deadline to submit comments was August 28, 2017. This action extends the comment period for 30 days. Written comments must now be received by September 27, 2017.

Dated: August 16, 2017.

Michael H. Shapiro,

Acting Assistant Administrator for Water, Environmental Protection Agency.

Dated: August 16, 2017.

Douglas W. Lamont,

Deputy Assistant Secretary of the Army (Project Planning and Review), performing the duties of the Assistant Secretary of the Army for Civil Works.

[FR Doc. 2017–17739 Filed 8–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2016–0442; FRL–9966–63–OAR]

RIN 2060–AT57

National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry: Alternative Monitoring Method

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is proposing to amend the National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry (Portland Cement NESHAP). We are proposing to revise the testing and monitoring requirements for hydrochloric acid (HCl) due to the current unavailability of HCl calibration gases used for quality assurance purposes.

DATES: The EPA must receive written comments on this proposed rule on or before October 6, 2017.

Public Hearing. If a public hearing is requested by August 29, 2017, then we will hold a public hearing on September 6, 2017 at the EPA WJC East Building, 1201 Constitution Avenue NW., Washington, DC 20004. If a public hearing is requested, then we will provide additional details about the public hearing on our Web site at *https://www.epa.gov/stationary-sources-air-pollution/portland-cement-manufacturing-industry-national-emission-standards* and *https://www3.epa.gov/airquality/cement/actions.html.* To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please contact Aimee St. Clair at (919) 541–1063 or by email at *stclair.aimee@epa.gov.* The EPA does not intend to publish any future notices in the

Federal Register regarding a public hearing on this proposed action and directs all inquiries regarding a hearing to the Web site and contact person identified above. The last day to pre-register in advance to speak at the public hearing will be September 5, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2016–0442, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Mr. Brian Storey, Sector Policies and Programs Division (D243–04), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–1103; fax number: (919) 541–5450; and email address: *storey.brian@epa.gov.*

SUPPLEMENTARY INFORMATION:

Organization of This Document. The information in this preamble is organized as follows:

I. General Information
- A. Does this proposed rule apply to me?
- B. What should I consider as I prepare my comments for the EPA?

II. What are the amendments made by this proposed rule?

III. Statutory and Executive Order Reviews
- A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
- B. Paperwork Reduction Act (PRA)
- C. Regulatory Flexibility Act (RFA)
- D. Unfunded Mandates Reform Act (UMRA)
- E. Executive Order 13132: Federalism
- F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
- G. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks
- H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
- I. National Technology Transfer and Advancement Act (NTTAA)
- J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

I. General Information

A. Does this proposed rule apply to me?

Categories and entities potentially regulated by this proposed rule include:

Category	NAICS Code [1]
Portland cement manufacturing facilities	327310

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this proposed rule. To determine whether your facility is affected, you should examine the applicability criteria in the Code of Federal Regulations (CFR) at 40 CFR 63.1340. If you have questions regarding the applicability of any aspect of this action to a particular entity, consult either the air permitting authority for the entity or your EPA Regional representative as listed in 40 CFR 63.13.

B. What should I consider as I prepare my comments for the EPA?

On June 23, 2017, the EPA published a direct final rule that provided a compliance alternative for sources that would otherwise be required to use a HCl continuous emissions monitoring system (CEMS) to demonstrate compliance with the HCl emissions limit (82 FR 28562). At the same time, we published a parallel proposal in which we proposed to make the same amendment to the NESHAP. The EPA indicated that it would withdraw the direct final rule if it received adverse comment. The EPA received adverse comment on that direct final rule, but was not able to timely withdraw the rule. In this proposal, the EPA is re-proposing and providing additional opportunity for public comment on the same amendment to the NESHAP that was proposed on June 23, 2017. Simultaneously with this proposal, the EPA is taking final action to withdraw the June 23, 2017, direct final rule. Comments received on the June 23, 2017, direct final rule and/or parallel proposal will be deemed to be submitted on this proposal, unless the commenter withdraws the original comment.

For comments on this proposal, do not submit information containing CBI to the EPA through *http://www.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 the 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 comments that includes information claimed as CBI, a copy of the comments 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. Send or deliver information identified as CBI only to the following address: OAQPS Document Control Officer (C404–02), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA–HQ–OAR–2016–0442.

II. What are the amendments made by this proposed rule?

On July 25, 2016, the EPA published an alternative monitoring method for sources that would otherwise be required to use an HCl CEMS to demonstrate compliance with the National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry (81 FR 48356). The alternative was provided for a period of 1 year. The alternative monitoring method allowed sources to demonstrate compliance by using CEMS readouts as a parameter monitor to indicate relative changes from the observed CEMS HCl reading. Specifically, the alternative required installation of an HCl CEMS to provide a continuous readout of HCl emissions. However, actual compliance with the HCl emissions limit of 3 parts per million by volume (ppmv) was determined by a three-run stack test. During the stack test, the average HCl CEMS reading was determined. The alternative allows this CEMS reading to become a continuous operating parameter that must be met on a 30-day rolling average. The EPA determined it was appropriate to allow this alternative because some facilities have been unable to obtain National Institute of Standards and Technology (NIST)-

traceable calibration gases. As a result, these facilities cannot calibrate their CEMS with sufficient accuracy for the CEMS readout to be used to directly determine compliance with the 3 ppmv HCl emissions limit. The alternative addresses this problem by allowing sources to use the CEMS readouts as a parameter monitor to indicate relative changes from the observed CEMS HCl reading obtained during the stack performance test used to demonstrate compliance.

In this action, the EPA is proposing to extend the use of the alternative monitoring method, as described in the July 25, 2016, direct final rulemaking (81 FR 48356). Because this alternative is only needed until such time as the NIST-traceable calibration gases become available, the EPA intends to remove the alternative once such gases become available.

III. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

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

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulation (40 CFR part 63, subpart LLL) and has assigned OMB control number 2060–0416. This action does not change the information collection requirements.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. This action does not create any new requirements or burdens and no costs are associated with this proposed action.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

E. Executive Order 13132: Federalism

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

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

This action does not have tribal implications, as specified in Executive Order 13175. It will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. The EPA is aware of one tribally owned Portland cement facility currently subject to 40 CFR part 63, subpart LLL that will be subject to this proposed rule. However, the provisions of this proposed rule are not expected to impose new or substantial direct compliance costs on tribal governments since the provisions in this proposed rule are extending the use of an alternative to the HCl monitoring provisions, including an option which provides operational flexibility. Thus, Executive Order 13175 does not apply to this action.

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

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

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

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

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). This action does not affect the level of protection provided to human health or the environment.

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedures, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: August 11, 2017.

E. Scott Pruitt,

Administrator.

For the reasons stated in the preamble, the Environmental Protection Agency is proposing to amend title 40, chapter I, part 63 of the Code of Federal Regulations (CFR) as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart LLL—National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry

■ 2. Section 63.1349 is amended by:

■ a. Revising paragraph (b)(6)(v) introductory text.

■ b. Removing paragraph (b)(6)(v)(H).

The revision reads as follows:

§ 63.1349 Performance testing requirements.

* * * * *

(b) * * *

(6) * * *

(v) As an alternative to paragraph (b)(6)(ii) of this section, the owner or operator may demonstrate initial compliance by conducting a performance test using Method 321 of appendix A to this part. You must also monitor continuous performance through use of an HCl CPMS according to paragraphs (b)(6)(v)(A) through (G) of this section. For kilns with inline raw mills, compliance testing and monitoring HCl to establish the site specific operating limit must be

conducted during both raw mill on and raw mill off conditions.

* * * * *

■ 3. Section 63.1350 is amended by revising paragraph (l)(4) introductory text to read as follows:

§ 63.1350 Monitoring requirements.

* * * * *

(l) * * *

(4) If you monitor continuous performance through the use of an HCl CPMS according to paragraphs (b)(6)(v)(A) through (G) of § 63.1349, for any exceedance of the 30-kiln operating day HCl CPMS average value from the established operating limit, you must:

* * * * *

[FR Doc. 2017–17626 Filed 8–21–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, 15, 20, and 54

[GN Docket No. 16–46; DA 17–664]

Connect2HealthFCC Task Force Announces Upcoming Virtual Listening Sessions on Broadband Health Divide

AGENCY: Federal Communications Commission.

ACTION: Extension of comment deadline.

SUMMARY: In this document, the Connect2HealthFCC Task Force (Task Force) of the Federal Communications Commission (Commission), extends the deadline for interested parties to submit comments and reply comments in response to the notice issued on April 24, 2017, on *FCC Seeks Comment and Data on Actions to Accelerate Adoption and Accessibility of Broadband-Enabled Health Care Solutions and Advanced Technologies* (GN Docket No. 16–46; FCC 17–46). In addition, the Task Force announces that it will be convening several virtual listening sessions to more efficiently facilitate additional input on the issues raised in the aforementioned notice.

DATES: Submit comments and reply comment on or before September 29, 2017.

ADDRESSES: You may submit comments and reply comments, identified by GN Docket No. 16–46, by any of the following methods:

• *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://apps.fcc.gov/ecfs/* (click the ''submit a filing'' tab). Filers should follow the instructions provided on the Web site for submitting comments. For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and the applicable docket number: GN Docket No. 16–46.

• *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building. The filing hours are 8:00 a.m. to 7:00 p.m. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail must be addressed to 445 12th Street SW., Washington, DC 20554.

Additional Filing Instruction: To the extent feasible, parties should email a copy of their comments to the Task Force's email box, at *connect2health@fcc.gov.* In the email, please insert ''Comments in GN Docket No. 16–46'' in the subject line. Copies of all filings will be available in GN Docket No. 16–46 through ECFS and are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW., Room CY–A257, Washington, DC 20554, telephone (202) 418–0270. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice) or 202–418–0432 (TTY). Contact the FCC to request reasonable accommodations for filing comments (accessible format documents, sign language interpreters, CART, etc.) by email at: *fcc504@fcc.gov;* phone: 202–418–0530 or TTY: 202–418–0432.

FOR FURTHER INFORMATION CONTACT: Ben Bartolome, Special Counsel, Connect2HealthFCC Task Force, at (770) 935–3383, or via email at *Ben.Bartolome@fcc.gov* (inserting ''Question re GN Docket No 16–46'' in the subject line).

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, DA 17–664, released on July 21, 2017. The complete text of this document is available on the Internet at the Commission's Web site, at *https://www.fcc.gov/document/c2h-hold-listening-sessions-bridging-broadband-health-divide.* The full text is also available for public inspection and copying from 8:00 a.m. to 4:30 p.m. Eastern Time (ET) Monday through Thursday or from 8:00 a.m. to 11:30 a.m. on Fridays in the FCC Reference Information Center, 445 12th Street SW., Room CY–A257, Washington, DC 20554 (Telephone: 202–418–0270; TTY: 202–418–2555).

In document DA 17–664, the Federal Communications Commission's Connect2Health Task Force announces that it will convene several virtual listening sessions over several weeks (*i.e.,* during the week of August 7, and also the weeks of September 11, 18, and 25, 2017) to more efficiently facilitate targeted input on broadband health issues (including on the rural/urban gap and other digital divide issues) from non-traditional stakeholders and those outside the Washington, DC area. The instructions for participating in these sessions are provided in the notice. This effort specifically relates to the Task Force's development of recommendations on critical regulatory, policy, technical, and infrastructure issues concerning the emerging broadband-enabled health and care ecosystem described in the April 24, 2017 document FCC 17–46, issued in GN Docket No. 16–46 (*FCC Seeks Comment and Data on Actions to Accelerate Adoption and Accessibility of Broadband-Enabled Health Care Solutions and Advanced Technologies*).

This document also announces that the formal comment period for GN Docket No. 16–46 will remain open until September 29, 2017, to give interested parties an opportunity to file additional comments and information following the completion of the aforementioned virtual listening sessions (noting that the initial deadlines for filing comments and reply comments in response to the notice in GN Docket No. 16–46 were May 24, 2017, and June 8, 2017, respectively). Further, parties have also expressed interest in submitting comments and suggestions for enhancements related to the *Mapping Broadband Health in*

America platform (available on the Commission's Web site at *www.fcc.gov/health/maps*) released on June 8, 2017; as such, this extension will facilitate such filings in GN Docket No. 16–46.

Federal Communications Commission.

Ryan Yates,

Attorney Advisor, Office of the General Counsel.

[FR Doc. 2017–17731 Filed 8–21–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 17–196; RM–11794; DA 17–726]

Radio Broadcasting Services; Cora, Wyoming

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a Petition for Rulemaking filed by Wind River Broadcasting, Inc., proposing to amend the FM Table of Allotments, of the Commission's rules, by allotting Channel 274C2 at Cora, Wyoming, as a first local service. A staff engineering analysis indicates that Channel 274C2 can be allotted to Cora, consistent with the minimum distance separation requirements of the Commission's rules without a site restriction. The reference coordinates are 43–03–24 NL and 110–08–07 WL.

DATES: Comments must be filed on or before September 21, 2017, and reply comments on or before October 6, 2017.

ADDRESSES: Secretary, Federal Communications Commission, 445 Twelfth Street SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for the petitioner as follows: Dan J. Alpert, Esq., The Law Office of Dan J. Alpert, 2120 N. 21st Rd., Arlington, VA 22201

FOR FURTHER INFORMATION CONTACT: Deborah A. Dupont, Media Bureau, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rulemaking (NPRM),* MB Docket No. 17–196, adopted July 28, 2017 and released July 31, 2017. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 Twelfth Street SW., Washington, DC 20554. The full text is also available online at *http://apps.fcc.gov/ecfs/.* This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 309, 310, 334, 336 and 339.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the table is amended by adding an entry under Wyoming for Cora to read as follows:

§ 73.202 Table of Allotments.

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(b) *Table of FM Allotments.*

WYOMING

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Cora	274C2
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[FR Doc. 2017–17730 Filed 8–21–17; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS–HQ–MB–2016–0051; FF09M21200–178–FXMB1231099BPP0]

RIN 1018–BB40

Migratory Bird Hunting; Proposed Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2017–18 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter, Service or we) proposes special migratory bird hunting regulations for certain Tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands for the 2017–18 migratory bird hunting season.

DATES: You must submit comments on the proposed regulations by September 21, 2017.

ADDRESSES: *Comments:* You may submit comments on the proposals by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–MB–2016–0051.
- *U.S. mail or hand delivery:* Public Comments Processing, Attn: FWS–HQ–MB–2016–0051; Division of Policy, Performance, and Management Programs; U.S. Fish and Wildlife Service; MS: BPHC; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Public Comments, below, for more information).

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel, U.S. Fish and Wildlife Service, Department of the Interior, MS: MB, 5275 Leesburg Pike, Falls Church, VA 22041–3803; (703) 358–1967.

SUPPLEMENTARY INFORMATION: As part of DOI's retrospective regulatory review, we developed a schedule for migratory game bird hunting regulations that is more efficient and will provide dates much earlier than was possible under the old process. This will facilitate planning for the States and all parties interested in migratory bird hunting. Beginning in the summer of 2015, with the development of the 2016–17 hunting seasons, we are using a new schedule

for establishing our annual migratory game bird hunting regulations. We will combine the current early- and late-season regulatory actions into a single process, based on predictions derived from long-term biological information and harvest strategies, to establish migratory bird hunting seasons much earlier than the system we have used for many years. Under the new process, we will develop proposed hunting season frameworks for a given year in the fall of the prior year. We will finalize those frameworks a few months later, thereby enabling the State agencies to select and publish their season dates in early summer. This rulemaking is part of that process.

We developed the guidelines for establishing special migratory bird hunting regulations for Indian Tribes in response to tribal requests for recognition of their reserved hunting rights and, for some Tribes, recognition of their authority to regulate hunting by both tribal and nontribal hunters on their reservations. The guidelines include possibilities for:

(1) On-reservation hunting by both tribal and nontribal hunters, with hunting by nontribal hunters on some reservations to take place within Federal frameworks but on dates different from those selected by the surrounding State(s);

(2) On-reservation hunting by tribal members only, outside of the usual Federal frameworks for season dates and length, and for daily bag and possession limits; and

(3) Off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits.

In all cases, the regulations established under the guidelines must be consistent with the March 10 to September 1 closed season mandated by the 1916 Convention between the United States and Great Britain (for Canada) for the Protection of Migratory Birds (Treaty). The guidelines apply to those Tribes having recognized reserved hunting rights on Federal Indian reservations (including off-reservation trust lands) and on ceded lands. They also apply to establishing migratory bird hunting regulations for nontribal hunters on all lands within the exterior boundaries of reservations where Tribes have full wildlife management authority over such hunting or where the Tribes and affected States otherwise have reached agreement over hunting by nontribal hunters on lands owned by non-Indians within the reservation.

Tribes usually have the authority to regulate migratory bird hunting by nonmembers on Indian-owned reservation lands, subject to Service approval. The question of jurisdiction is more complex on reservations that include lands owned by non-Indians, especially when the surrounding States have established or intend to establish regulations governing hunting by non-Indians on these lands. In such cases, we encourage the Tribes and States to reach agreement on regulations that would apply throughout the reservations. When appropriate, we will consult with a Tribe and State with the aim of facilitating an accord. We also will consult jointly with tribal and State officials in the affected States where Tribes wish to establish special hunting regulations for tribal members on ceded lands. Because of past questions regarding interpretation of what events trigger the consultation process, as well as who initiates it, we provide the following clarification.

We routinely provide copies of **Federal Register** publications pertaining to migratory bird management to all State Directors, Tribes, and other interested parties. It is the responsibility of the States, Tribes, and others to notify us of any concern regarding any feature(s) of any regulations. When we receive such notification, we will initiate consultation.

Our guidelines provide for the continued harvest of waterfowl and other migratory game birds by tribal members on reservations where such harvest has been a customary practice. We do not oppose this harvest, provided it does not take place during the closed season defined by the Treaty, and does not adversely affect the status of the migratory bird resource. Before developing the guidelines, we reviewed available information on the current status of migratory bird populations, reviewed the current status of migratory bird hunting on Federal Indian reservations, and evaluated the potential impact of such guidelines on migratory birds. We concluded that the impact of migratory bird harvest by tribal members hunting on their reservations is minimal.

One area of interest in Indian migratory bird hunting regulations relates to hunting seasons for nontribal hunters on dates that are within Federal frameworks, but which are different from those established by the State(s) where the reservation is located. A large influx of nontribal hunters onto a reservation at a time when the season is closed in the surrounding State(s) could result in adverse population impacts on one or more migratory bird species. The guidelines make this unlikely, and we may modify regulations or establish experimental special hunts, after evaluation of information obtained by the Tribes.

We believe the guidelines provide appropriate opportunity to accommodate the reserved hunting rights and management authority of Indian Tribes while ensuring that the migratory bird resource receives necessary protection. The conservation of this important international resource is paramount. Further, the guidelines should not be viewed as inflexible. In this regard, we note that they have been employed successfully since 1985. We believe they have been tested adequately and, therefore, we made them final beginning with the 1988–89 hunting season (53 FR 31612, August 18, 1988). We should stress here, however, that use of the guidelines is not mandatory and no action is required if a Tribe wishes to observe the hunting regulations established by the State(s) in which the reservation is located.

Regulations Schedule for 2017

On June 10, 2016, we published a proposal to amend title 50 of the Code of Federal Regulations (CFR) at part 20 (81 FR 38050). The proposal provided a background and overview of the migratory bird hunting regulations process, and addressed the establishment of seasons, limits, and other regulations for hunting migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. Major steps in the 2017–18 regulatory cycle relating to open public meetings and **Federal Register** notifications were also identified in the June 10, 2016, proposed rule.

The June 10 proposed rule also provided detailed information on the proposed 2017–18 regulatory schedule and announced the Service Regulations Committee (SRC) and Flyway Council meetings.

On October 25–26, 2016, we held open meetings with the Flyway Council Consultants, at which the participants reviewed information on the current status of migratory game birds and developed recommendations for the 2017–18 regulations for these species.

On February 9, 2017, we published in the **Federal Register** (82 FR 10222) the proposed frameworks for the 2017–18 season migratory bird hunting regulations. On May 30, 2017, we published in the **Federal Register** (82 FR 24786) final season frameworks for migratory game bird hunting regulations, from which wildlife conservation agency officials from the States, Puerto Rico, the Virgin Islands, and the Tribes select hunting dates, hours, areas, and limits.

Population Status and Harvest

Each year we publish various species status reports that provide detailed information on the status and harvest of migratory game birds, including information on the methodologies and results. These reports are available at the address indicated under **FOR FURTHER INFORMATION CONTACT** or from our Web site at *https://www.fws.gov/birds/surveys-and-data/reports-and-publications/population-status.php.*

We used the following reports: Adaptive Harvest Management, 2017 Hunting Season (August 2016); American Woodcock Population Status, 2016 (August 2016); Band-tailed Pigeon Population Status, 2016 (September 2016); Migratory Bird Hunting Activity and Harvest During the 2014–15 and 2015–16 Hunting Seasons (October 2016); Mourning Dove Population Status, 2016 (August 2016); Status and Harvests of Sandhill Cranes, Mid-continent, Rocky Mountain, Lower Colorado River Valley and Eastern Populations, 2016 (September 2016); and Waterfowl Population Status, 2016 (August 2016).

Hunting Season Proposals From Indian Tribes and Organizations

For the 2017–18 hunting season, we received requests from 24 Tribes and Indian organizations. In this proposed rule, we respond to these requests and also evaluate anticipated requests for six Tribes from whom we usually hear but from whom we have not yet received proposals. We actively solicit regulatory proposals from other tribal groups that are interested in working cooperatively for the benefit of waterfowl and other migratory game birds. We encourage Tribes to work with us to develop agreements for management of migratory bird resources on tribal lands.

The proposed frameworks for flyway regulations were published in the **Federal Register** on February 9, 2017 (82 FR 10222), and the final frameworks on May 30, 2017 (82 FR 24786). We notified affected Tribes of season dates, bag limits, etc., of the final frameworks. As previously discussed, no action is required by Tribes wishing to observe migratory bird hunting regulations established by the State(s) where they are located. The proposed regulations for the 30 Tribes that meet the established criteria are shown below.

(a) Colorado River Indian Tribes, Colorado River Indian Reservation, Parker, Arizona (Tribal Members and Nontribal Hunters)

The Colorado River Indian Reservation is located in Arizona and California. The Tribes own almost all lands on the reservation, and have full wildlife management authority.

We have yet to hear from the Colorado River Indian Tribes. The Tribes usually request a split dove season, with the early season beginning on September 1 and ending on September 15, 2017. Daily bag limits would be 15 mourning or white-winged doves in the aggregate, of which no more than 10 may be white-winged dove. Possession limit would be 45, of which no more than 30 may be white-winged dove. They usually request the late season for doves to open November 7 and close December 20, 2017. The daily bag limit would be 15 mourning doves. The possession limit would be 45. Shooting hours would be from one-half hour before sunrise to noon in the early season and until sunset in the late season. Other special tribally set regulations would apply.

The Tribes also usually propose duck hunting seasons. The season would usually open October 17, 2017, and close January 25, 2018. The Tribes usually propose the same season dates for mergansers, coots, and common moorhens. The daily bag limit for ducks, including mergansers, would be seven, except that the daily bag limits could contain no more than two hen mallards, two redheads, two Mexican ducks, two goldeneye, three scaup, one pintail, two cinnamon teal, and one canvasback. The possession limit would be twice the daily bag limit after the first day of the season. The daily bag and possession limit for coots and common moorhens would be 25, singly or in the aggregate. Shooting hours would be from one-half hour before sunrise to sunset.

For geese, the Colorado River Indian Tribes usually propose a season of October 18, 2017, through January 19, 2018. The daily bag limit for geese would be three light geese and three dark geese. The possession limit would be six light geese and six dark geese after opening day. Shooting hours would be from one-half hour before sunrise to sunset.

In 1996, the Tribes conducted a detailed assessment of dove hunting. Results showed approximately 16,100 mourning doves and 13,600 white-winged doves were harvested by approximately 2,660 hunters who averaged 1.45 hunter-days. Field observations and permit sales indicate that fewer than 200 hunters participate in waterfowl seasons. Under the proposed regulations described here and based upon past seasons, we and the Tribes estimate harvest will be similar.

Hunters must have a valid Colorado River Indian Reservation hunting permit and a Federal Migratory Bird Hunting and Conservation Stamp in their possession while hunting. Other special tribally set regulations would apply. As in the past, the regulations would apply both to tribal and nontribal hunters, and nontoxic shot is required for waterfowl hunting.

We propose to approve the Colorado River Indian Tribes regulations for the 2017–18 hunting season, if the seasons' dates fall within final flyway frameworks (applies to nontribal hunters only) and upon receipt of their proposal.

(b) Confederated Salish and Kootenai Tribes, Flathead Indian Reservation, Pablo, Montana (Tribal and Nontribal Hunters)

For the past several years, the Confederated Salish and Kootenai Tribes and the State of Montana have entered into cooperative agreements for the regulation of hunting on the Flathead Indian Reservation. The State and the Tribes are currently operating under a cooperative agreement signed in 1990, which addresses fishing and hunting management and regulation issues of mutual concern. This agreement enables all hunters to utilize waterfowl hunting opportunities on the reservation.

As in the past, tribal regulations for nontribal hunters would be at least as restrictive as those established for the Pacific Flyway portion of Montana. Goose, duck, and coot season dates would also be at least as restrictive as those established for the Pacific Flyway portion of Montana. Shooting hours for waterfowl hunting on the Flathead Reservation are one-half hour before sunrise to one-half hour after sunset. Steel shot or other federally approved nontoxic shots are the only legal shotgun loads on the reservation for waterfowl or other game birds.

For tribal members, the Tribe proposes outside frameworks for ducks and geese of September 1, 2017, through March 9, 2018. Daily bag and possession limits were not proposed for tribal members.

The requested season dates and bag limits are similar to past regulations. Harvest levels are not expected to change significantly. Standardized check station data from the 1993–94 and 1994–95 hunting seasons indicated no significant changes in harvest levels and that the large majority of the harvest is by nontribal hunters.

We propose to approve the Tribes' request for special migratory bird regulations for the 2017–18 hunting season.

(c) Fond du Lac Band of Lake Superior Chippewa Indians, Cloquet, Minnesota (Tribal Members Only)

Since 1996, the Service and the Fond du Lac Band of Lake Superior Chippewa Indians have cooperated to establish special migratory bird hunting regulations for tribal members. The Fond du Lac's December 6, 2017, proposal covers land set apart for the band under the Treaties of 1837 and 1854 in northeastern and east-central Minnesota and the Band's Reservation near Duluth.

The band's proposal for 2017–18 is essentially the same as that approved last year. The proposed 2017–18 waterfowl hunting season regulations for Fond du Lac are as follows:

Ducks

A. 1854 and 1837 Ceded Territories

Season Dates: Begin September 9 and end November 30, 2017.

Daily Bag Limit: 18 ducks, including no more than 12 mallards (only 3 of which may be hens), 9 black ducks, 9 scaup, 9 wood ducks, 9 redheads, 9 pintails, and 9 canvasbacks.

B. Reservation

Season Dates: Begin September 1 and end November 30, 2017.

Daily Bag Limit: 12 ducks, including no more than 8 mallards (only 2 of which may be hens), 6 black ducks, 6 scaup, 6 redheads, 6 pintails, 6 wood ducks, and 6 canvasbacks.

Mergansers

A. 1854 and 1837 Ceded Territories

Season Dates: Begin September 9 and end November 30, 2017.

Daily Bag Limit: 15 mergansers, including no more than 6 hooded mergansers.

B. Reservation

Season Dates: Begin September 1 and end November 30, 2017.

Daily Bag Limit: 10 mergansers, including no more than 4 hooded mergansers.

Canada Geese

All Areas

Season Dates: Begin September 1 and end November 30, 2017.

Daily Bag Limit: 20 geese.

Sandhill Cranes

1854 and 1837 Ceded Territories Only

Season Dates: Begin September 1 and end November 30, 2017.

Daily Bag Limit: Two sandhill cranes. A crane carcass tag is required prior to hunting.

Coots and Common Moorhens (Common Gallinules)

A. 1854 and 1837 Ceded Territories

Season Dates: Begin September 9 and end November 30, 2017.

Daily Bag Limit: 20 coots and common moorhens, singly or in the aggregate.

B. Reservation

Season Dates: Begin September 1 and end November 30, 2017.

Daily Bag Limit: 20 coots and common moorhens, singly or in the aggregate.

Sora and Virginia Rails

All Areas

Season Dates: Begin September 1 and end November 30, 2017.

Daily Bag Limit: 25 sora and Virginia rails, singly or in the aggregate.

Common Snipe

All Areas

Season Dates: Begin September 1 and end November 30, 2017.

Daily Bag Limit: Eight common snipe.

Woodcock

All Areas

Season Dates: Begin September 1 and end November 30, 2017.

Daily Bag Limit: Three woodcock.

Mourning Dove

All Areas

Season Dates: Begin September 1 and end November 30, 2017.

Daily Bag Limit: 30 mourning doves.

The following general conditions apply:

1. While hunting waterfowl, a tribal member must carry on his/her person a valid Ceded Territory License.

2. Shooting hours for migratory birds are one-half hour before sunrise to one-half hour after sunset.

3. Except as otherwise noted, tribal members will be required to comply with tribal codes that will be no less restrictive than the provisions of Chapter 10 of the Model Off-Reservation Code. Except as modified by the Service rules adopted in response to this proposal, these amended regulations parallel Federal requirements in 50 CFR part 20 as to hunting methods, transportation, sale, exportation, and other conditions generally applicable to migratory bird hunting.

4. Band members in each zone will comply with State regulations providing for closed and restricted waterfowl hunting areas.

5. There are no possession limits for migratory birds. For purposes of enforcing bag limits, all migratory birds in the possession or custody of band members on ceded lands will be considered to have been taken on those lands unless tagged by a tribal or State conservation warden as having been taken on-reservation. All migratory birds that fall on reservation lands will not count as part of any off-reservation bag or possession limit.

The band anticipates harvest will be fewer than 500 ducks and geese, and fewer than 10 sandhill cranes.

We propose to approve the request for special migratory bird hunting regulations for the Fond du Lac Band of Lake Superior Chippewa Indians.

(d) Grand Traverse Band of Ottawa and Chippewa Indians, Suttons Bay, Michigan (Tribal Members Only)

In the 1995–96 migratory bird seasons, the Grand Traverse Band of Ottawa and Chippewa Indians and the Service first cooperated to establish special regulations for waterfowl. The Grand Traverse Band is a self-governing, federally recognized Tribe located on the west arm of Grand Traverse Bay in Leelanau County, Michigan. The Grand Traverse Band is a signatory Tribe of the Treaty of 1836. We have approved special regulations for tribal members of the 1836 treaty's signatory Tribes on ceded lands in Michigan since the 1986–87 hunting season.

For the 2017–18 season, the Tribe requests that the tribal member duck season run from September 1, 2017, through January 20, 2018. A daily bag limit of 35 would include no more than 8 pintail, 4 canvasback, 5 hooded merganser, 8 black ducks, 8 wood ducks, 8 redheads, and 20 mallards (only 10 of which may be hens).

For Canada and snow geese, the Tribe proposes a September 1, 2017, through February 15, 2018, season. For white-fronted geese and brant, the Tribe proposes a September 20 through December 30, 2017, season. The daily bag limit for Canada and snow geese would be 15, and the daily bag limit for white-fronted geese and including brant would be 5 birds. We further note that, based on available data (of major goose migration routes), it is unlikely that any Canada geese from the Southern James Bay Population will be harvested by the Tribe.

For woodcock, the Tribe proposes a September 1 through November 14, 2017, season. The daily bag limit will not exceed five birds. For mourning doves, snipe, and rails, the Tribe proposes a September 1 through November 14, 2017, season. The daily bag limit would be 15 mourning dove, 10 snipe, and 10 rail.

For sandhill crane, the Tribe proposes a September 1 through November 14, 2017, season. The daily bag limit would be 3 birds and a season limit of 10 birds.

For snipe and rails, the Tribe proposes a September 1 through November 14, 2017, season. The daily bag limit would be 10 birds per species.

Shooting hours would be from one-half hour before sunrise to one-half hour after sunset. All other Federal regulations contained in 50 CFR part 20 would apply. The Tribe proposes to monitor harvest closely through game bag checks, patrols, and mail surveys. Harvest surveys from the 2013–14 hunting season indicated that approximately 30 tribal hunters harvested an estimated 100 ducks and 45 Canada geese.

We propose to approve the Grand Traverse Band of Ottawa and Chippewa Indians 2017–18 special migratory bird hunting proposal.

(e) Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin (Tribal Members Only)

Since 1985, various bands of the Lake Superior Tribe of Chippewa Indians have exercised judicially recognized, off-reservation hunting rights for migratory birds in Wisconsin. The specific regulations were established by the Service in consultation with the Wisconsin Department of Natural Resources and the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) (GLIFWC is an intertribal agency exercising delegated natural resource management and regulatory authority from its member Tribes in portions of Wisconsin, Michigan, and Minnesota). Beginning in 1986, a Tribal season on ceded lands in the western portion of the Michigan Upper Peninsula was developed in coordination with the Michigan Department of Natural Resources. We have approved regulations for Tribal members in both Michigan and Wisconsin since the 1986–87 hunting season. In 1987, GLIFWC requested, and we approved, regulations to permit Tribal members to hunt on ceded lands in Minnesota, as well as in Michigan and Wisconsin. The States of Michigan and Wisconsin originally concurred with the regulations, although both Wisconsin and Michigan have raised various concerns over the years. Minnesota did not concur with the original regulations, stressing that the State would not recognize Chippewa Indian hunting rights in Minnesota's treaty area until a court with jurisdiction over the State acknowledges and defines the extent of these rights. In 1999, the U.S. Supreme Court upheld the existence of the tribes' treaty reserved rights in *Minnesota* v. *Mille Lacs Band,* 199 S. Ct. 1187 (1999).

We acknowledge all of the States' concerns, but point out that the U.S. Government has recognized the Indian treaty reserved rights, and that acceptable hunting regulations have been successfully implemented in Minnesota, Michigan, and Wisconsin. Consequently, in view of the above, we have approved regulations since the 1987–88 hunting season on ceded lands in all three States. In fact, this recognition of the principle of treaty reserved rights for band members to hunt and fish was pivotal in our decision to approve a 1991–92 season for the 1836 ceded area in Michigan. Since then, in the 2007 Consent Decree, the 1836 Treaty Tribes' and Michigan Department of Natural Resources and Environment established court-approved regulations pertaining to off-reservation hunting rights for migratory birds.

For 2017, GLIFWC proposes off-reservation special migratory bird hunting regulations on behalf of the member Tribes of the Voigt Intertribal Task Force of GLIFWC (for the 1837 and 1842 Treaty areas in Wisconsin and Michigan), the Mille Lacs Band of Ojibwe and the six Wisconsin Bands (for the 1837 Treaty area in Minnesota), and the Bay Mills Indian Community (for the 1836 Treaty area in Michigan). Member Tribes of the Task Force are: the Bad River Band of the Lake Superior Tribe of Chippewa Indians, the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, the Lac du Flambeau Band of Lake Superior Chippewa Indians, the Red Cliff Band of Lake Superior Chippewa Indians, the St. Croix Chippewa Indians of Wisconsin, and the Sokaogon Chippewa Community (Mole Lake Band), all in Wisconsin; the Mille Lacs Band of Chippewa Indians and the Fond du Lac Band of Lake Superior Chippewa Indians in Minnesota; and the Lac Vieux Desert Band of Chippewa Indians and the Keweenaw Bay Indian Community in Michigan.

The GLIFWC 2017 proposal has four changes from regulations approved last season. First, in the 1837 and 1842 Treaty Areas, the GLIFWC proposal would allow up to 50 Tribal hunters to use electronic calls for any open season under a limited and experimental design under a special Tribal permit. In addition to obtaining a special permit, the Tribal hunter would be required to complete and submit a hunt diary for each hunt where electronic calls were used. Second, GLIFWC also proposes to allow the take of migratory birds (primarily waterfowl) with the use of hand-held nets, hand-held snares, and/or capture birds by hand in the 1837 and 1842 Treaty Areas. The GLIWFC proposal for the use of nets, snares, or by hand would include the take of birds at night. Third, GLIFWC proposes beginning the current swan season September 1 rather than November 1 in the 1837 and 1842 Treaty Areas. However, the trumpeter swan quota would remain at 10 swans. Lastly, GLIFWC proposes the addition of a sandhill crane hunting season in the 1836 Treaty Area.

GLIFWC states that the proposed regulatory changes are intended to increase the subsistence opportunities for tribal migratory bird hunters and provide opportunities for more efficient harvesting. Under the GLIFWC's proposed regulations, GLIFWC expects total ceded territory harvest to be approximately 2,000 to 3,000 ducks, 400 to 600 geese, 20 sandhill cranes, and 20 swans, which, with the exception of ducks, is roughly similar to anticipated levels in previous years for those species for which seasons were established. GLIFWC further anticipates that tribal harvest will remain low given the small number of tribal hunters and the limited opportunity to harvest more than a small number of birds on most hunting trips.

Recent GLIFWC harvest surveys (1996–98, 2001, 2004, 2007–08, 2011, 2012, and 2015) indicate that tribal off-reservation waterfowl harvest has averaged fewer than 1,100 ducks and 250 geese annually. In the latest survey year for which we have specific results (2015), an estimated 297 hunters hunted a total of 2,190 days and harvested 2,727 ducks (1.2 ducks per day) and 639 geese. The greatest number of ducks reported harvested in a single day was 10, while the highest number of geese reported taken on a single outing was 6. Mallards, wood ducks, and blue-winged teal composed about 72 percent of the duck harvest. Two sandhill cranes were reported harvested in each of the first three Tribal sandhill crane seasons, with 3 reported harvested in 2015. No swans have been harvested. About 81 percent of the estimated hunting days took place in Wisconsin, with the remainder occurring in Michigan. As in past years, most hunting took place in or near counties with reservations. Overall, analysis of hunter survey data over 1996–2015 indicates a general downward, or flat, trend in both harvest and hunter participation. More specific discussion on each of the proposals follows below.

Allowing Electronic Calls

In the 1837 and 1842 Treaty Areas, GLIFWC proposes allowing an experimental application of electronic calls with up to 50 Tribal hunters allowed to use the devices. Individuals using electronic calls would be required to obtain a special Tribal permit, complete a hunt diary for each hunt where the devices are used, and submit the hunt diary to the Commission within 2 weeks of the end of the season in order to be eligible to obtain a permit for the following year. GLIFWC proposes to require hunters to record the date, time, and location of each hunt; the number of hunters; the number of each species harvested per hunting event; if other hunters were in the area, any interactions with other hunters; and other information GLIFWC deems appropriate. GLIFWC would then summarize the diary results and submit a report to the Service. Barring unforeseen results, GLIFWC proposes that this experimental application be replicated for 3 years, after which a full evaluation would be completed.

As we have stated over the last 6 years (76 FR 54676, September 1, 2011; 77 FR 54451, September 5, 2012; 78 FR 53218, August 28, 2013; 79 FR 52226, September 3, 2014; 80 FR 52663, September 1, 2015; 81 FR 62404, September 9, 2016), the issue of allowing electronic calls and other electronic devices for migratory game bird hunting has been highly debated and highly controversial over the last 40 years, similar to other prohibited hunting methods. Electronic calls, *i.e.,* the use or aid of recorded or electronic amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds to lure or attract migratory game birds to hunters, were Federally prohibited in 1957, because of their effectiveness in attracting and aiding the harvest of ducks and geese and because they are generally not considered a legitimate component of hunting (see restriction in 50 CFR 20.21(g)). In 1999, after much debate, the migratory bird regulations were revised to allow the use of electronic calls for the take of light geese (lesser snow geese and Ross geese) during a light-goose-only season when all other waterfowl and crane hunting seasons, excluding falconry, were closed (64 FR 7507, February 16, 1999; 64 FR 71236, December 20, 1999; 73 FR 65926, November 5, 2008). The regulations were also changed in 2006, to allow the use of electronic calls for the take of resident Canada geese during Canada-goose-only September seasons when all other waterfowl and crane seasons, excluding falconry, were closed (71 FR 45964, August 10, 2006). In both instances, these changes were made in order to significantly increase the take of these species due to serious population overabundance, depredation issues, or public health and safety issues, or a combination of these.

In our previous responses on this issue, we have also discussed information stemming from the use of electronic calls during the special light-goose seasons and our conclusions as to its applicability to most other waterfowl species. Given available evidence on the effectiveness of electronic calls, we continue to be concerned about the large biological uncertainty surrounding any widespread use of electronic calls. Additionally, given the fact that tribal waterfowl hunting covered by this proposal would occur on ceded lands that are not in the ownership of the Tribes, we remain very concerned that the use of electronic calls to take waterfowl would lead to confusion on the part of the public, wildlife-management agencies, and law enforcement officials in implementing the requirements of 50 CFR part 20. Further, similar to the impacts of baiting, we have concerns on the uncertain zone of influence range from the use of electronic calls which could potentially increase harvest from nontribal hunters operating within areas that electronic calls are used during the dates of the general hunt. However, unlike baiting, once the electronic call is removed from an area, the attractant or lure is immediately removed with presumably little to no lingering effects.

Notwithstanding our above concerns, we understand and appreciate GLIFWC's position on this issue, their desire to increase tribal hunter opportunity, harvest, and participation, and the importance that GLIFWC has ascribed to these issues. We further appreciate GLIFWC's latest proposal on the issue. GLIFWC has proposed a limited use of electronic calls under an experimental design with up to only 50 Tribal hunters. Hunters would be required to obtain special permits and complete and submit a hunt diary for each hunt where electronic calls were used. Clearly, GLIFWC has given this issue considerable thought. In our recent discussions with them, they have willingly discussed our concerns and all the uncertainties and difficulties surrounding them. Therefore, we agree with the tribes that much of the large uncertainty surrounding any widespread use of electronic calls could be potentially controlled, or significantly lessened, by this very modest experiment.

In that light, we are proposing GLIFWC's limited experimental approach with the hope of gaining some additional information and knowledge about the use of electronic calls and their effects on waterfowl. Ideally, this limited approach would include utilizing electronic calls both for Canada geese (where they may already be used in some instances) and new efforts for ducks. Important data related to tribal hunter interest, participation, effects on targeted species, and harvest would need to be closely tracked and reported, as GLIFWC has proposed. We conclude that the experimental removal of the electronic call prohibition, with the proposed limited design, would be consistent with helping address and answer some of our long-standing concerns, and thus we support GLIFWC's proposal to allow the experimental use of electronic calls in the 1837 and 1842 Treaty Areas for any open season for a 3-year experimental period.

Use of Hand-Held Nets and Snares

GLIFWC proposes that we allow the take of migratory birds (primarily waterfowl) with the use of hand-held nets, hand-held snares, and the capturing of birds by hand in the 1837 and 1842 Treaty Areas. The GLIWFC proposal for the use of nets and snares and capturing by hand would include the take of birds at night. Within the 1837 and 1842 Treaty Areas, tribal members would be allowed to use non-mechanical, hand-operated nets (*i.e.,* throw/cast nets or hand-held nets typically used to land fish) and hand-operated snares, and could chase and capture migratory birds without the aid of hunting devices (*i.e.,* by hand). Non-attended nets or snares would not be authorized under this proposal. Tribal members using nets or snares to take migratory birds, or taking birds by hand, would be required to obtain a special Tribal permit, complete a hunt diary for each hunt where these methods are used, and submit the hunt diary to the Commission within 2 weeks of the end of the season in order to be eligible to obtain a permit to net migratory birds for the following year. GLIFWC-required information would include the date, time, and location of the hunt; number of hunters; the number of each species harvested per hunting event; and other information GLIFWC deems appropriate. Diary results would then be summarized and documented in a GLIFWC report, which would be submitted to the Service. Barring unforeseen results, GLIFWC proposes that this experimental application be

replicated for 3 years, after which a full evaluation would be completed.

Current regulations at 50 CFR part 20 do not allow the use of traps, nets, or snares to capture migratory game birds (see § 20.21(a)), and we are unaware of any current State regulations allowing the use of traps for the capture of resident game birds. While the use of traps or nets for birds is not generally considered a sport-hunting technique, we recognize that their use may be a customary and traditional hunting method by tribal members. Further, GLIFWC's netting and trapping proposal does not allow baiting (which could lead to concerns related to potential disease transmission) or the herding of waterfowl into traps when they are largely flightless, such as during the summer molt. Practices such as these would significantly increase our concerns. As such, and recognizing the importance GLIFWC has placed on this issue, we are not opposed to the trapping of migratory birds, especially given all the GLIFWC-proposed restrictions on their use and the fact that they will be manned at all times. Thus, we agree with the GLIFWC proposal and believe the restrictions they have proposed are appropriate to begin a 3-year experimental evaluation.

Extension of the Swan Season

GLIFWC has conducted a swan season in the 1837 and 1842 Treaty Areas since 2014. While the season primarily is targeted at tundra swans, trumpeter swans are legally allowed in the daily bag limit. However, all swans harvested must be registered with the Tribe by presenting the fully feathered carcass to a tribal registration station or GLIFWC warden, to confirm species. If the total number of trumpeter swans harvested reaches 10, GLIFWC closes the swan season by emergency rule. Hunters are expected to check the GLIFWC's Web site each day they hunt to determine season status. To date, no swans have been harvested. GLIFWC would like to expand the current swan season by beginning the season September 1 rather than November 1, as they believe the current regulations may too restrictive. The trumpeter swan quota would remain at 10 swans. Given the absence of any swan harvest, we agree. If, in future years, the swan season closes early due to attainment of the trumpeter swan quota before December 31, GLIFWC proposes, and we agree, to re-evaluate the earlier opening date in order to shift potential harvest back towards tundra swans.

Sandhill Crane Season in the 1836 Treaty Area

GLIFWC proposes the addition of a sandhill crane hunting season in the 1836 Treaty Area. Currently, the State of Michigan does not offer a sandhill crane hunt season to their hunters. In the 1836 and 1842 Treaty Areas, only two sandhill cranes were reported harvested in each of the first three Tribal sandhill crane seasons, with 3 reported harvested in 2015. Given the expected relative light hunting pressure, the proposed daily bag limit of 1 sandhill crane with a seasonal bag limit of 3 cranes, and the fact that crane harvest will be monitored through Tribal-required hunter registration, we see no compelling biological reason to not approve the proposal.

The proposed 2017–18 waterfowl hunting season regulations apply to all treaty areas (except where noted) for GLIFWC as follows:

Ducks

Season Dates: Begin September 1 and end December 31, 2017.

Daily Bag Limit: 50 ducks in the 1837 and 1842 Treaty Area; 30 ducks in the 1836 Treaty Area.

Mergansers

Season Dates: Begin September 1 and end December 31, 2017.

Daily Bag Limit: 10 mergansers.

Geese

Season Dates: Begin September 1 and end December 31, 2017. In addition, any portion of the ceded territory that is open to State-licensed hunters for goose hunting outside of these dates will also be open concurrently for tribal members.

Daily Bag Limit: 20 geese in aggregate.

Other Migratory Birds

A. Coots and Common Moorhens (Common Gallinules)

Season Dates: Begin September 1 and end December 31, 2017.

Daily Bag Limit: 20 coots and common moorhens (common gallinules), singly or in the aggregate.

B. Sora and Virginia Rails

Season Dates: Begin September 1 and end December 31, 2017.

Daily Bag and Possession Limits: 20, singly, or in the aggregate, 25.

C. Common Snipe

Season Dates: Begin September 1 and end December 31, 2017.

Daily Bag Limit: 16 common snipe.

D. Woodcock

Season Dates: Begin September 5 and end December 31, 2017.

Daily Bag Limit: 10 woodcock.

E. Mourning Dove: 1837 and 1842 Ceded Territories Only

Season Dates: Begin September 1 and end November 29, 2017.

Daily Bag Limit: 15 mourning doves.

F. Sandhill Cranes: 1837 and 1842 Ceded Territories Only

Season Dates: Begin September 1 and end December 31, 2017.

Daily Bag Limit: 2 cranes and no seasonal bag limit in the 1837 and 1842 Treaty areas; 1 crane with a seasonal bag limit of 3 in the1836 Treaty area.

G. Swans: 1837 and 1842 Ceded Territories Only

Season Dates: Begin September 1 and end December 31, 2017.

Daily Bag Limit: 2 swans. All harvested swans must be registered by presenting the fully-feathered carcass to a tribal registration station or GLIFWC warden. If the total number of trumpeter swans harvested reaches 10, the swan season will be closed by emergency tribal rule.

General Conditions

A. All tribal members will be required to obtain a valid tribal waterfowl hunting permit.

B. Except as otherwise noted, tribal members will be required to comply with tribal codes that will be no less restrictive than the model ceded territory conservation codes approved by Federal courts in the *Lac Courte Oreilles* v. *State of Wisconsin (Voigt)* and *Mille Lacs Band* v. *State of Minnesota* cases. Chapter 10 in each of these model codes regulates ceded territory migratory bird hunting. Both versions of Chapter 10 parallel Federal requirements as to hunting methods, transportation, sale, exportation, and other conditions generally applicable to migratory bird hunting. They also automatically incorporate by reference the Federal migratory bird regulations adopted in response to this proposal.

C. Particular regulations of note include:

1. Nontoxic shot will be required for all waterfowl hunting by tribal members.

2. Tribal members in each zone will comply with tribal regulations providing for closed and restricted waterfowl hunting areas. These regulations generally incorporate the same restrictions contained in parallel State regulations.

3. There are no possession limits, with the exception of 2 swans (in the aggregate) and 25 rails (in the aggregate). For purposes of enforcing bag limits, all migratory birds in the possession and custody of tribal members on ceded lands will be considered to have been taken on those lands unless tagged by a tribal or State conservation warden as taken on reservation lands. All migratory birds that fall on reservation lands will not count as part of any off-reservation bag or possession limit.

4. The baiting restrictions included in the respective section 10.05(2)(h) of the model ceded territory conservation codes will be amended to include language which parallels that in place for nontribal members as published at 64 FR 29799, June 3, 1999.

5. There are no shell limit restrictions.

6. Hunting hours are from 30 minutes before sunrise to 30 minutes after sunset, except that, within the 1837 and 1842 Ceded Territories, hunters may use non-mechanical nets or snares that are operated by hand to take those birds subject to an open hunting season at any time (see #8 below for further information). Hunters shall also be permitted to capture, without the aid of other devices (*i.e.,* by hand) and immediately kill birds subject to an open season, regardless of the time of day.

7. An experimental application of electronic calls will be implemented in the 1837 and 1842 Ceded Territories. Up to 50 tribal hunters will be allowed to use electronic calls. Individuals using these devices will be required to obtain a special permit; they will be required to complete a hunt diary for each hunt where electronic calls are used; and they will be required to submit the hunt diary to the Commission within 2 weeks of the end of the season in order to be eligible to obtain an permit for the following year. Required information will include the date, time, and location of the hunt; number of hunters; the number of each species harvested per hunting event; if other hunters were in the area, any interactions with other hunters; and other information deemed appropriate. Diary results will be summarized and documented in a Commission report, which will be submitted to the Service. Barring unforeseen results, this experimental application would be replicated for 3 years, after which a full evaluation would be completed.

8. Within the 1837 and 1842 Ceded Territories, tribal members will be allowed to use non-mechanical, hand-operated nets (*i.e.,* throw/cast nets or hand-held nets typically used to land fish) and hand-operated snares, and may chase and capture migratory birds without the aid of hunting devices (*i.e.,* by hand). At this time, non-attended nets or snares shall not be authorized under this regulation. Tribal members using nets or snares to take migratory birds, or taking birds by hand, will be required to obtain a special permit; they will be required to complete a hunt diary for each hunt where these methods are used; and they will be required to submit the hunt diary to the Commission within 2 weeks of the end of the season in order to be eligible to obtain a permit to net migratory birds for the following year. Required information will include the date, time, and location of the hunt; number of hunters; the number of each species harvested per hunting event; and other information deemed appropriate. Diary results will be summarized and documented in a Commission report, which will be submitted to the Service. Barring unforeseen results, this experimental application would be replicated for 3 years, after which a full evaluation would be completed.

We propose to approve the above GLIFWC regulations for the 2017–18 hunting season.

(f) Jicarilla Apache Tribe, Jicarilla Indian Reservation, Dulce, New Mexico (Tribal Members and Nontribal Hunters)

The Jicarilla Apache Tribe has had special migratory bird hunting regulations for tribal members and nonmembers since the 1986–87 hunting season. The Tribe owns all lands on the reservation and has recognized full wildlife management authority. In general, the proposed seasons would be more conservative than allowed by the Federal frameworks of last season and by States in the Pacific Flyway.

The Tribe proposes a 2017–18 waterfowl and Canada goose season beginning October 14, 2017, and a closing date of November 30, 2017. Daily bag and possession limits for waterfowl would be the same as Pacific Flyway States. The Tribe proposes a daily bag limit for Canada geese of two. Other regulations specific to the Pacific Flyway guidelines for New Mexico would be in effect.

During the Jicarilla Game and Fish Department's 2015–16 season, estimated duck harvest was 45, which is the lowest on record. The species composition included mainly mallards, northern shovelor, gadwall, American wigeon, and teal. The estimated harvest of geese was 0 birds.

The proposed regulations are essentially the same as were established last year. The Tribe anticipates the maximum 2017–18 waterfowl harvest would be around 300 ducks and 30 geese.

We propose to approve the Tribe's requested 2017–18 hunting seasons.

(g) Kalispel Tribe, Kalispel Reservation, Usk, Washington (Tribal Members and Nontribal Hunters)

The Kalispel Reservation was established by Executive Order in 1914, and currently comprises approximately 4,600 acres. The Tribe owns all Reservation land and has full management authority. The Kalispel Tribe has a fully developed wildlife program with hunting and fishing codes. The Tribe enjoys excellent wildlife management relations with the State. The Tribe and the State have an operational memorandum of understanding with emphasis on fisheries but also for wildlife.

The nontribal member seasons described below pertain to a 176-acre waterfowl management unit and 800 acres of reservation land with a guide for waterfowl hunting. The Tribe is utilizing this opportunity to rehabilitate an area that needs protection because of past land use practices, as well as to provide additional waterfowl hunting in the area. Beginning in 1996, the requested regulations also included a proposal for Kalispel-member-only migratory bird hunting on Kalispel-ceded lands within Washington, Montana, and Idaho.

For the 2017–18 migratory bird hunting seasons, the Kalispel Tribe proposes tribal and nontribal member waterfowl seasons. The Tribe requests that both duck and goose seasons open at the earliest possible date and close on the latest date under Federal frameworks.

For nontribal hunters on Tribally managed lands, the Tribe requests the seasons open at the earliest possible date and remain open, for the maximum amount of open days. Specifically, the Tribe requests a season for ducks run September 23–24, 2017, September 29–30, 2017, and from October 1, 2017, to January 8, 2018. In that period, nontribal hunters would be allowed to hunt approximately 107 days. Hunters should obtain further information on specific hunt days from the Kalispel Tribe.

For nontribal hunters on Tribally managed lands, the Tribe also requests a season for geese run September 9–10, 2017, September 16–17, 2017, and from October 1, 2017, to January 8, 2018. Total number of days should not exceed 107. Nontribal hunters should obtain further information on specific hunt days from the Tribe. Daily bag and

possession limits would be the same as those for the State of Washington.

The Tribe reports past nontribal harvest of 1.5 ducks per day. Under the proposal, the Tribe expects harvest to be similar to last year, that is, fewer than 100 geese and 200 ducks.

All other State and Federal regulations contained in 50 CFR part 20, such as use of nontoxic shot and possession of a signed migratory bird hunting and conservation stamp, would be required.

For tribal members on Kalispel-ceded lands, the Kalispel Tribe proposes season dates for ducks of October 10, 2017, through January 31, 2018, and for geese of September 10, 2017, through January 31, 2018. Daily bag and possession limits would parallel those in the Federal regulations contained in 50 CFR part 20.

The Tribe reports that there was no tribal harvest. Under the proposal, the Tribe expects harvest to be fewer than 200 birds for the season with fewer than 100 geese. Tribal members would be required to possess a signed Federal migratory bird stamp and a tribal ceded lands permit.

We propose to approve the regulations requested by the Kalispel Tribe, since these dates conform to Federal flyway frameworks for the Pacific Flyway.

(h) Klamath Tribe, Chiloquin, Oregon (Tribal Members Only)

The Klamath Tribe currently has no reservation, per se. However, the Klamath Tribe has reserved hunting, fishing, and gathering rights within its former reservation boundary. This area of former reservation, granted to the Klamaths by the Treaty of 1864, is over 1 million acres. Tribal natural resource management authority is derived from the Treaty of 1864, and carried out cooperatively under the judicially enforced Consent Decree of 1981. The parties to this Consent Decree are the Federal Government, the State of Oregon, and the Klamath Tribe. The Klamath Indian Game Commission sets the seasons. The tribal biological staff and tribal regulatory enforcement officers monitor tribal harvest by frequent bag checks and hunter interviews.

For the 2017–18 seasons, the Tribe requests proposed season dates of October 7, 2017, through January 31, 2018. Daily bag limits would be 9 for ducks, 9 for geese, and 9 for coot, with possession limits twice the daily bag limit. Shooting hours would be one-half hour before sunrise to one-half hour after sunset. Steel shot is required.

Based on the number of birds produced in the Klamath Basin, this year's harvest would be similar to last year's. Information on tribal harvest suggests that more than 70 percent of the annual goose harvest is local birds produced in the Klamath Basin.

We propose to approve those 2017–18 special migratory bird hunting regulations.

(i) Leech Lake Band of Ojibwe, Cass Lake, Minnesota (Tribal Members Only)

The Leech Lake Band of Ojibwe is a federally recognized Tribe located in Cass Lake, Minnesota. The reservation employs conservation officers to enforce conservation regulations. The Service and the Tribe have cooperatively established migratory bird hunting regulations since 2000.

For the 2017–18 season, the Tribe requests a duck season starting on September 16 and ending December 31, 2017, and a goose season to run from September 1 through December 31, 2017. Daily bag limits for ducks would be 10, including no more than 5 pintail, 5 canvasback, and 5 black ducks. Daily bag limits for geese would be 10. Possession limits would be twice the daily bag limit. Shooting hours are one-half hour before sunrise to one-half hour after sunset.

The annual harvest by tribal members on the Leech Lake Reservation is estimated at 250 to 500 birds.

We propose to approve the Leech Lake Band of Ojibwe's requested 2017–18 special migratory bird hunting season.

(j) Little River Band of Ottawa Indians, Manistee, Michigan (Tribal Members Only)

The Little River Band of Ottawa Indians is a self-governing, federally recognized Tribe located in Manistee, Michigan, and a signatory Tribe of the Treaty of 1836. We have approved special regulations for tribal members of the 1836 treaty's signatory Tribes on ceded lands in Michigan since the 1986–87 hunting season. Ceded lands are located in Lake, Mason, Manistee, and Wexford Counties. The Band proposes regulations to govern the hunting of migratory birds by Tribal members within the 1836 Ceded Territory as well as on the Band's Reservation.

For the 2017–18 season, the Little River Band of Ottawa Indians proposes a duck and merganser season from September 9, 2017, through January 26, 2018. A daily bag limit of 12 ducks would include no more than 2 pintail, 2 canvasback, 3 black ducks, 3 wood ducks, 3 redheads, 6 mallards (only 2 of which may be a hen), 1 bufflehead, and 1 hooded merganser. Possession limits would be twice the daily bag limit.

For coots and gallinules, the Tribe proposes a September 15, 2017, through January 26, 2018, season. Daily bag limits would be five coot and five gallinule.

For white-fronted geese, snow geese, and brant, the Tribe proposes a September 8 through December 10, 2017, season. Daily bag limits would be five geese.

For Canada geese only, the Tribe proposes a September 1, 2017, through February 4, 2018, season with a daily bag limit of five. The possession limit would be twice the daily bag limit.

For snipe, woodcock, rails, and mourning doves, the Tribe proposes a September 1 to November 12, 2017, season. The daily bag limit would be 10 common snipe, 5 woodcock, 10 rails, and 10 mourning doves. Possession limits for all species would be twice the daily bag limit.

The Tribe monitors harvest through mail surveys. General conditions are as follows:

A. All tribal members will be required to obtain a valid tribal resource card and 2017–18 hunting license.

B. Except as modified by the Service rules adopted in response to this proposal, these amended regulations parallel all Federal regulations contained in 50 CFR part 20. Shooting hours will be from one-half hour before sunrise to sunset.

C. Particular regulations of note include:

(1) Nontoxic shot will be required for all waterfowl hunting by tribal members.

(2) Tribal members in each zone will comply with tribal regulations providing for closed and restricted waterfowl hunting areas. These regulations generally incorporate the same restrictions contained in parallel State regulations.

D. Tribal members hunting in Michigan will comply with tribal codes that contain provisions parallel to Michigan law regarding duck blinds and decoys.

We plan to approve Little River Band of Ottawa Indians' 2017–18 special migratory bird hunting seasons.

(k) The Little Traverse Bay Bands of Odawa Indians, Petoskey, Michigan (Tribal Members Only)

The Little Traverse Bay Bands of Odawa Indians (LTBB) is a self-governing, federally recognized Tribe located in Petoskey, Michigan, and a signatory Tribe of the Treaty of 1836. We have approved special regulations

for tribal members of the 1836 treaty's signatory Tribes on ceded lands in Michigan since the 1986–87 hunting season.

For the 2017–18 season, we have not yet heard from the Little Traverse Bay Bands of Odawa Indians. The LTBB usually proposes regulations similar to those of other Tribes in the 1836 treaty area. The LTBB usually proposes the regulations to govern the hunting of migratory birds by tribal members on the LTBB reservation and within the 1836 Treaty Ceded Territory. The tribal member duck and merganser season would usually run from September 1, 2017, through January 31, 2018. A daily bag limit of 20 ducks and 10 mergansers would include no more than 5 hen mallards, 5 pintail, 5 canvasback, 5 scaup, 5 hooded merganser, 5 black ducks, 5 wood ducks, and 5 redheads.

For Canada geese, the LTBB usually proposes a September 1, 2017, through February 8, 2018, season. The daily bag limit for Canada geese would be 20 birds. We further note that, based on available data (of major goose migration routes), it is unlikely that any Canada geese from the Southern James Bay Population would be harvested by the LTBB. Possession limits are twice the daily bag limit.

For woodcock, the LTBB usually proposes a September 1 to December 1, 2017, season. The daily bag limit will not exceed 10 birds. For snipe, the LTBB proposes a September 1 to December 31, 2017, season. The daily bag limit will not exceed 16 birds. For mourning doves, the LTBB usually proposes a September 1 to November 14, 2017, season. The daily bag limit will not exceed 15 birds. For Virginia and sora rails, the LTBB usually proposes a September 1 to December 31, 2017, season. The daily bag limit will not exceed 20 birds per species. For coots and gallinules, the LTBB usually proposes a September 15 to December 31, 2017, season. The daily bag limit will not exceed 20 birds per species. The possession limit will not exceed 2 days' bag limit for all birds.

The LTBB also usually proposes a sandhill crane season to begin September 1 and end December 1, 2017. The daily bag limit will not exceed one bird. The possession limit will not exceed two times the bag limit.

All other Federal regulations contained in 50 CFR part 20 would apply.

Harvest surveys from 2014–15 hunting season indicated that approximately 10 hunters harvested 10 different waterfowl species totaling 69 birds. No sandhill cranes were reported harvested during the 2014–15 season. The LTBB usually proposes to monitor harvest closely through game bag checks, patrols, and mail surveys. In particular, the LTBB usually proposes monitoring the harvest of Southern James Bay Canada geese and sandhill cranes to assess any impacts of tribal hunting on the population.

We propose to approve the Little Traverse Bay Bands of Odawa Indians' requested 2017–18 special migratory bird hunting regulations, upon receipt of their proposal.

(l) Lower Brule Sioux Tribe, Lower Brule Reservation, Lower Brule, South Dakota (Tribal Members and Nontribal Hunters)

The Lower Brule Sioux Tribe first established tribal migratory bird hunting regulations for the Lower Brule Reservation in 1994. The Lower Brule Reservation is about 214,000 acres in size and is located on and adjacent to the Missouri River, south of Pierre. Land ownership on the reservation is mixed, and until recently, the Lower Brule Tribe had full management authority over fish and wildlife via a memorandum of agreement (MOA) with the State of South Dakota. The MOA provided the Tribe jurisdiction over fish and wildlife on reservation lands, including deeded and U.S. Army Corps of Engineers-taken lands. For the 2017–18 season, the two parties have come to an agreement that provides the public a clear understanding of the Lower Brule Sioux Wildlife Department license requirements and hunting season regulations. The Lower Brule Reservation waterfowl season is open to tribal and nontribal hunters.

For the 2017–18 migratory bird hunting season, the Lower Brule Sioux Tribe proposes a nontribal member duck, merganser, and coot season length of 97 days, or the maximum number of days allowed by Federal frameworks in the High Plains Management Unit for this season. The Tribe proposes a duck season from October 7, 2017, through January 11, 2018. The daily bag limit would be six birds or the maximum number that Federal regulations allow, including no more than two hen mallard and five mallards total, two pintail, two redhead, two canvasback, three wood duck, three scaup, and one mottled duck. The daily bag limit for mergansers would be five, only two of which could be a hooded merganser. The daily bag limit for coots would be 15. Possession limits would be three times the daily bag limits.

The Tribe's proposed nontribal-member Canada goose season would run from October 28, 2017, through February 11, 2018 (107-day season length), with a daily bag limit of six Canada geese. The Tribe's proposed nontribal member white-fronted goose season would run from October 28, 2017, through January 23, 2018, with a daily bag and possession limits concurrent with Federal regulations. The Tribe's proposed nontribal-member light goose season would run from October 28, 2017, through February 11, 2018, and February 12 through March 10, 2018. The light goose daily bag limit would be 20 or the maximum number that Federal regulations allow with no possession limits.

For tribal members, the Lower Brule Sioux Tribe proposes a duck, merganser, and coot season from September 1, 2017, through March 10, 2018. The daily bag limit would be six ducks, including no more than two hen mallard and five mallards total, two pintail, two redheads, two canvasback, three wood ducks, three scaup, two bonus teal during the first 16 days of the season, and one mottled duck or the maximum number that Federal regulations allow. The daily bag limit for mergansers would be five, only two of which could be hooded mergansers. The daily bag limit for coots would be 15. Possession limits would be three times the daily bag limits.

The Tribe's proposed Canada goose season for tribal members would run from September 1, 2017, through March 10, 2018, with a daily bag limit of six Canada geese. The Tribe's proposed white-fronted goose tribal season would run from September 1, 2017, through March 10, 2018, with a daily bag limit of two white-fronted geese or the maximum number that Federal regulations allow. The Tribe's proposed light goose tribal season would run from September 1, 2017, through March 10, 2018. The light goose daily bag limit would be 20 or the maximum number that Federal regulations allow, with no possession limits.

In the 2013–14 season, nontribal members harvested 641 geese and 1,616 ducks. In the 2013–14 season, duck harvest species composition was primarily mallard (67 percent), gadwall (5 percent), green-winged teal (7 percent), and wigeon (5 percent).

The Tribe anticipates a duck and goose harvest similar to those of the previous years. All basic Federal regulations contained in 50 CFR part 20, including the use of nontoxic shot, Migratory Bird Hunting and Conservation Stamps, etc., would be observed by the Tribe's proposed regulations. In addition, the Lower Brule Sioux Tribe has an official Conservation Code that was established by Tribal Council Resolution in June 1982 and updated in 1996.

We plan to approve the Tribe's requested regulations for the Lower Brule Reservation if the seasons' dates fall within final Federal flyway frameworks (applies to nontribal hunters only).

(m) Lower Elwha Klallam Tribe, Port Angeles, Washington (Tribal Members Only)

Since 1996, the Service and the Point No Point Treaty Tribes, of which Lower Elwha was one, have cooperated to establish special regulations for migratory bird hunting. The Tribes are now acting independently, and the Lower Elwha Klallam Tribe would like to establish migratory bird hunting regulations for tribal members for the 2017–18 season. The Tribe has a reservation on the Olympic Peninsula in Washington State and is a successor to the signatories of the Treaty of Point No Point of 1855.

For the 2017–18 season, we have yet to hear from the Lower Elwha Klallam Tribe. The Tribe usually requests special migratory bird hunting regulations for ducks (including mergansers), geese, coots, band-tailed pigeons, snipe, and mourning doves. The Lower Elwha Klallam Tribe usually requests a duck and coot season from September 13, 2017, to January 4, 2018. The daily bag limit will be seven ducks, including no more than two hen mallards, one pintail, one canvasback, and two redheads. The daily bag and possession limit on harlequin duck will be one per season. The coot daily bag limit will be 25. The possession limit will be twice the daily bag limit, except as noted above.

For geese, the Tribe usually requests a season from September 13, 2017, to January 4, 2018. The daily bag limit will be four, including no more than three light geese. The season on Aleutian Canada geese will be closed.

For brant, the Tribe usually proposes to close the season.

For mourning doves, band-tailed pigeon, and snipe, the Tribe usually requests a season from September 1, 2017, to January 11, 2018, with a daily bag limit of 10, 2, and 8, respectively. The possession limit will be twice the daily bag limit.

All Tribal hunters authorized to hunt migratory birds are required to obtain a tribal hunting permit from the Lower Elwha Klallam Tribe pursuant to tribal law. Hunting hours would be from one-half hour before sunrise to sunset. Only steel, tungsten-iron, tungsten-polymer, tungsten-matrix, and tin shot are allowed for hunting waterfowl. It is unlawful to use or possess lead shot while hunting waterfowl.

The Tribe typically anticipates harvest to be fewer than 10 birds. Tribal reservation police and Tribal fisheries enforcement officers have the authority to enforce these migratory bird hunting regulations.

The Service proposes to approve the special migratory bird hunting regulations for the Lower Elwha Klallam Tribe upon receipt of their proposal.

(n) Makah Indian Tribe, Neah Bay, Washington (Tribal Members Only)

The Makah Indian Tribe and the Service have been cooperating to establish special regulations for migratory game birds on the Makah Reservation and traditional hunting land off the Makah Reservation since the 2001–02 hunting season. Lands off the Makah Reservation are those contained within the boundaries of the State of Washington Game Management Units 601–603.

The Makah Indian Tribe proposes a duck and coot hunting season from September 23, 2017, to January 28, 2018. The daily bag limit is seven ducks, including no more than five mallards (only two hen mallard), one canvasback, one pintail, three scaup, and one redhead. The daily bag limit for coots is 25. The Tribe has a year-round closure on wood ducks and harlequin ducks. Shooting hours for all species of waterfowl are one-half hour before sunrise to sunset.

For geese, the Tribe proposes that the season open on September 23, 2017, and close January 28, 2018. The daily bag limit for geese is four and one brant. The Tribe notes that there is a year-round closure on Aleutian and dusky Canada geese.

For band-tailed pigeons, the Tribe proposes that the season open September 22, 2017, and close October 23, 2017. The daily bag limit for band-tailed pigeons is two.

The Tribe anticipates that harvest under this regulation will be relatively low since there are no known dedicated waterfowl hunters and any harvest of waterfowl or band-tailed pigeons is usually incidental to hunting for other species, such as deer, elk, and bear. The Tribe expects fewer than 50 ducks and 10 geese to be harvested during the 2017–18 migratory bird hunting season.

All other Federal regulations contained in 50 CFR part 20 would apply. The following restrictions are also proposed by the Tribe:

(1) As per Makah Ordinance 44, only shotguns may be used to hunt any species of waterfowl. Additionally, shotguns must not be discharged within 0.25 miles of an occupied area.

(2) Hunters must be eligible, enrolled Makah tribal members and must carry their Indian Treaty Fishing and Hunting Identification Card while hunting. No tags or permits are required to hunt waterfowl.

(3) The Cape Flattery area is open to waterfowl hunting, except in designated wilderness areas, or within 1 mile of Cape Flattery Trail, or in any area that is closed to hunting by another ordinance or regulation.

(4) The use of live decoys and/or baiting to pursue any species of waterfowl is prohibited.

(5) Steel or bismuth shot only for waterfowl is allowed; the use of lead shot is prohibited.

(6) The use of dogs is permitted to hunt waterfowl.

The Service proposes to approve the Makah Indian Tribe's requested 2017–18 special migratory bird hunting regulations.

(o) Navajo Nation, Navajo Indian Reservation, Window Rock, Arizona (Tribal Members and Nontribal Hunters)

Since 1985, we have established uniform migratory bird hunting regulations for tribal members and nonmembers on the Navajo Indian Reservation (in parts of Arizona, New Mexico, and Utah). The Navajo Nation owns almost all lands on the reservation and has full wildlife management authority.

For the 2017–18 season, the Tribe requests the earliest opening dates and longest duck, mergansers, Canada geese, and coots seasons, and the same daily bag and possession limits allowed to Pacific Flyway States under final Federal frameworks for tribal and nontribal members.

For both mourning dove and band-tailed pigeons, the Navajo Nation proposes seasons of September 1 through September 30, 2017, with daily bag limits of 10 and 5, respectively. Possession limits would be twice the daily bag limits.

The Nation requires tribal members and nonmembers to comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 pertaining to shooting hours and manner of taking. In addition, each waterfowl hunter age 16 or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp), which must be signed in ink across the face. Special regulations established by the Navajo Nation also apply on the reservation.

The Tribe anticipates a total harvest of fewer than 500 mourning doves; fewer than 10 band-tailed pigeons; fewer than 1,000 ducks, coots, and mergansers; and

fewer than 1,000 Canada geese for the 2017–18 season. The Tribe measures harvest by mail survey forms. Through the established Navajo Nation Code, titles 17 and 18, and 23 U.S.C. 1165, the Tribe will take action to close the season, reduce bag limits, or take other appropriate actions if the harvest is detrimental to the migratory bird resource.

We propose to approve the Navajo Nation's 2017–18 special migratory bird hunting regulations.

(p) Oneida Tribe of Indians of Wisconsin, Oneida, Wisconsin (Tribal Members Only)

Since 1991–92, the Oneida Tribe of Indians of Wisconsin and the Service have cooperated to establish uniform regulations for migratory bird hunting by tribal and nontribal hunters within the original Oneida Reservation boundaries. Since 1985, the Oneida Tribe's Conservation Department has enforced the Tribe's hunting regulations within those original reservation limits. The Oneida Tribe also has a good working relationship with the State of Wisconsin, and the majority of the seasons and limits are the same for the Tribe and Wisconsin.

For the 2017–18 season, the Tribe submitted a proposal requesting special migratory bird hunting regulations. For ducks, the Tribe proposal describes the general outside dates as being September 16 through December 3, 2017. The Tribe proposes a daily bag limit of six birds, which could include no more than six mallards (three hen mallards), six wood ducks, one redhead, two pintails, and one hooded merganser.

For geese, the Tribe requests a season between September 1 and December 31, 2017, with a daily bag limit of five Canada geese. If a quota of 500 geese is attained before the season concludes, the Tribe will recommend closing the season early.

For woodcock, the Tribe proposes a season between September 2 and November 5, 2017, with a daily bag and possession limit of two and four, respectively.

For mourning dove, the Tribe proposes a season between September 2 and November 5, 2017, with a daily bag and possession limit of 10 and 20, respectively.

The Tribe proposes shooting hours be one-half hour before sunrise to one-half hour after sunset. Nontribal hunters hunting on the Reservation or on lands under the jurisdiction of the Tribe must comply with all State of Wisconsin regulations, including shooting hours of one-half hour before sunrise to sunset, season dates, and daily bag limits. Tribal members and nontribal hunters hunting on the Reservation or on lands under the jurisdiction of the Tribe must observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, with the following exceptions: Oneida members would be exempt from the purchase of the Migratory Bird Hunting and Conservation Stamp (Duck Stamp); and shotgun capacity is not limited to three shells.

The Service proposes to approve the 2017–18 special migratory bird hunting regulations for the Oneida Tribe of Indians of Wisconsin.

(q) Point No Point Treaty Council Tribes, Kingston, Washington (Tribal Members Only)

We are establishing uniform migratory bird hunting regulations for tribal members on behalf of the Point No Point Treaty Council Tribes, consisting of the Port Gamble S'Klallam and Jamestown S'Klallam Tribes. The two tribes have reservations and ceded areas in northwestern Washington State and are the successors to the signatories of the Treaty of Point No Point of 1855. These proposed regulations will apply to tribal members both on and off reservations within the Point No Point Treaty Areas; however, the Port Gamble S'Klallam and Jamestown S'Klallam Tribal season dates differ only where indicated below.

For the 2017–18 season, the Point No Point Treaty Council requests special migratory bird hunting regulations for both the Jamestown S'Klallam and Port Gamble S'Klallam Tribes. For ducks, the Jamestown S'Klallam Tribe season would open September 1, 2017, and close March 10, 2018, and coots would open September 13, 2017, and close February 1, 2018. The Port Gamble S'Klallam Tribes duck and coot seasons would open from September 1, 2017, to March 10, 2018. The daily bag limit would be seven ducks, including no more than two hen mallards, one canvasback, one pintail, two redhead, and four scoters. The daily bag limit for coots would be 14. The daily bag limit and possession limit on harlequin ducks would be one per season. The daily possession limits are double the daily bag limits except where noted.

For geese, the Point No Point Treaty Council proposes the season open on September 9, 2017, and close March 10, 2018, for the Jamestown S'Klallam Tribe, and open on September 1, 2017, and close March 10, 2018, for the Port Gamble S'Klallam Tribe. The daily bag limit for geese would be four, not to include more than three light geese. The Council notes that there is a year-round closure on dusky Canada geese. For brant, the Council proposes the season open on November 9, 2017, and close January 31, 2018, for the Port Gamble S'Klallam Tribe, and open on January 10 and close January 25, 2018, for the Jamestown S'Klallam Tribe. The daily bag limit for brant would be two.

For band-tailed pigeons, the Port Gamble S'Klallam Tribe season would open September 1, 2017, and close March 10, 2018. The Jamestown S'Klallam Tribe season would open September 13, 2017, and close January 18, 2018. The daily bag limit for band-tailed pigeons would be two. For snipe, the Port Gamble S'Klallam Tribe season would open September 1, 2017, and close March 10, 2018. The Jamestown S'Klallam Tribe season would open September 13, 2017, and close March 10, 2018. The daily bag limit for snipe would be eight. For mourning dove, the Port Gamble S'Klallam Tribe season would open September 1, 2017, and close January 31, 2018. The Jamestown S'Klallam Tribe would open September 13, 2017, and close January 18, 2018. The daily bag limit for mourning dove would be 10.

The Tribe anticipates a total harvest of fewer than 175 birds for the 2017–18 season. The tribal fish and wildlife enforcement officers have the authority to enforce these tribal regulations.

We propose to approve the Point No Point Treaty Council Tribe's requested 2017–18 special migratory bird seasons.

(r) Saginaw Tribe of Chippewa Indians, Mt. Pleasant, Michigan (Tribal Members Only)

The Saginaw Tribe of Chippewa Indians is a federally recognized, self-governing Indian Tribe, located on the Isabella Reservation lands bound by Saginaw Bay in Isabella and Arenac Counties, Michigan.

In a December 1, 2016, letter, the Tribe proposes special migratory bird hunting regulations. For ducks, mergansers, and common snipe, the Tribe proposes outside dates as September 1, 2017, through January 31, 2018. The Tribe proposes a daily bag limit of 20 ducks, which could include no more than five each of the following: hen mallards; wood duck; black duck; pintail; red head; scaup; and canvasback. The merganser daily bag limit is 10, with no more than 5 hooded mergansers and 16 for common snipe.

For geese, coot, gallinule, sora, and Virginia rail, the Tribe requests a season from September 1, 2017, to January 31, 2018. The daily bag limit for geese is 20, in the aggregate. The daily bag limit for coot, gallinule, sora, and Virginia rail is 20 in the aggregate.

For woodcock and mourning dove, the Tribe proposes a season between September 1, 2017, and January 31, 2018, with daily bag limits of 10 and 25, respectively.

For sandhill crane, the Tribe proposes a season between September 1, 2017, and January 31, 2018, with a daily bag limit of one.

All Saginaw Tribe members exercising hunting treaty rights are required to comply with Tribal Ordinance 11. Hunting hours would be from one-half hour before sunrise to one-half hour after sunset. All other regulations in 50 CFR part 20 apply, including the use of only nontoxic shot for hunting waterfowl.

The Service proposes to approve the request for 2017–18 special migratory bird hunting regulations for the Saginaw Tribe of Chippewa Indians.

(s) Sault Ste. Marie Tribe of Chippewa Indians, Sault Ste. Marie, Michigan (Tribal Members Only)

The Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized, self-governing Indian Tribe, distributed throughout the eastern Upper Peninsula and northern Lower Peninsula of Michigan. The Tribe has retained the right to hunt, fish, trap, and gather on the lands ceded in the Treaty of Washington (1836).

The Tribe proposes special migratory bird hunting regulations. For ducks, mergansers, and common snipe, the Tribe proposes outside dates as September 15 through December 31, 2017. The Tribe proposes a daily bag limit of 20 ducks, which could include no more than 10 mallards (5 hen mallards), 5 wood duck, 5 black duck, and 5 canvasbacks. The merganser daily bag limit is 10 in the aggregate and 16 for common snipe.

For geese, teal, coot, gallinule, sora, and Virginia rail, the Tribe requests a season from September 1 to December 31, 2017. The daily bag limit for geese is 20, in the aggregate. The daily bag limit for coot, teal, gallinule, sora, and Virginia rail is 20 in the aggregate.

For woodcock, the Tribe proposes a season between September 2 and December 1, 2017, with a daily bag and possession limit of 10 and 20, respectively.

For mourning dove, the Tribe proposes a season between September 1 and November 14, 2017, with a daily bag and possession limit of 10 and 20, respectively.

In 2014, the total estimated waterfowl hunters were 266. All Sault Ste. Marie Tribe members exercising hunting treaty rights within the 1836 Ceded Territory are required to submit annual harvest reports including date of harvest, number and species harvested, and location of harvest. Hunting hours would be from one-half hour before sunrise to one-half hour after sunset. All other regulations in 50 CFR part 20 apply, including the use of only nontoxic shot for hunting waterfowl.

The Service proposes to approve the request for 2017–18 special migratory bird hunting regulations for the Sault Ste. Marie Tribe of Chippewa Indians.

(t) Shoshone-Bannock Tribes, Fort Hall Indian Reservation, Fort Hall, Idaho (Nontribal Hunters)

Almost all of the Fort Hall Indian Reservation is tribally owned. The Tribes claim full wildlife management authority throughout the reservation, but the Idaho Fish and Game Department has disputed tribal jurisdiction, especially for hunting by nontribal members on reservation lands owned by non-Indians. As a compromise, since 1985, we have established the same waterfowl hunting regulations on the reservation and in a surrounding off-reservation State zone. The regulations were requested by the Tribes and provided for different season dates than in the remainder of the State. We agreed to the season dates because they would provide additional protection to mallards and pintails. The State of Idaho concurred with the zoning arrangement. We have no objection to the State's use of this zone again in the 2017–18 hunting season, provided the duck and goose hunting season dates are the same as on the reservation.

In a proposal for the 2017–18 hunting season, the Shoshone–Bannock Tribes request a continuous duck (including mergansers and coots) season, with the maximum number of days and the same daily bag and possession limits permitted for Pacific Flyway States under the final Federal frameworks. The Tribes propose a duck and coot season with, if the same number of hunting days is permitted as last year, an opening date of October 7, 2017, and a closing date of January 19, 2018. The Tribes anticipate harvest will be about 7,500 ducks.

The Tribes also request a continuous goose season with the maximum number of days and the same daily bag and possession limits permitted in Idaho under Federal frameworks. The Tribes propose that, if the same number of hunting days is permitted as in previous years, the season would have an opening date of October 7, 2017, and a closing date of January 19, 2018. The Tribes anticipate harvest will be about 5,000 geese.

The Tribes request a common snipe season with the maximum number of days and the same daily bag and possession limits permitted in Idaho under Federal frameworks. The Tribes propose that, if the same number of hunting days is permitted as in previous years, the season would have an opening date of October 7, 2017, and a closing date of January 19, 2018.

Nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 pertaining to shooting hours, use of steel shot, and manner of taking. Special regulations established by the Shoshone–Bannock Tribes also apply on the reservation.

We note that the requested regulations are nearly identical to those of last year, and we propose to approve them for the 2017–18 hunting season if the seasons' dates fall within the final Federal flyway frameworks (applies to nontribal hunters only).

(u) Skokomish Tribe, Shelton, Washington (Tribal Members Only)

Since 1996, the Service and the Point No Point Treaty Tribes, of which the Skokomish Tribe was one, have cooperated to establish special regulations for migratory bird hunting. The Tribes have been acting independently since 2005. The Skokomish Tribe has yet to send in a proposal to establish migratory bird hunting regulations for tribal members for the 2017–18 season. The Tribe has a reservation on the Olympic Peninsula in Washington State and is a successor to the signatories of the Treaty of Point No Point of 1855.

The Skokomish Tribe usually requests a duck and coot season from September 16, 2017, to February 28, 2018. The daily bag limit is seven ducks, including no more than two hen mallards, one pintail, one canvasback, and two redheads. The daily bag and possession limit on harlequin duck is one per season. The coot daily bag limit is 25. The possession limit is twice the daily bag limit, except as noted above.

For geese, the Tribe usually requests a season from September 16, 2017, to February 28, 2018. The daily bag limit is four, including no more than three light geese. The season on Aleutian Canada geese is closed. For brant, the Tribe usually proposes a season from November 1, 2017, to February 15, 2018, with a daily bag limit of two. The possession limit is twice the daily bag limit.

For mourning doves, band-tailed pigeon, and snipe, the Tribe usually requests a season from September 16, 2017, to February 28, 2018, with a daily bag limit of 10, 2, and 8, respectively.

The possession limit is twice the daily bag limit.

All Tribal hunters authorized to hunt migratory birds are required to obtain a tribal hunting permit from the Skokomish Tribe pursuant to tribal law. Hunting hours would be from one-half hour before sunrise to sunset. Only steel, tungsten-iron, tungsten-polymer, tungsten-matrix, and tin shot are allowed for hunting waterfowl. It is unlawful to use or possess lead shot while hunting waterfowl.

The Tribe usually anticipates harvest to be fewer than 150 birds. The Skokomish Public Safety Office enforcement officers have the authority to enforce these migratory bird hunting regulations.

We propose to approve the Skokomish Tribe's 2017–18 migratory bird hunting season, upon receipt of their proposal.

(v) Spokane Tribe of Indians, Spokane Indian Reservation, Wellpinit, Washington (Tribal Members Only)

The Spokane Tribe of Indians wishes to establish waterfowl seasons on their reservation for its membership to access as an additional resource. An established waterfowl season on the reservation will allow access to a resource for members to continue practicing a subsistence lifestyle.

The Spokane Indian Reservation is located in northeastern Washington State. The reservation comprises approximately 157,000 acres. The boundaries of the Reservation are the Columbia River to the west, the Spokane River to the south (now Lake Roosevelt), Tshimikn Creek to the east, and the 48th Parallel as the north boundary. Tribal membership comprises approximately 2,300 enrolled Spokane Tribal Members.

These proposed regulations would allow Tribal Members, spouses of Spokane Tribal Members, and first-generation descendants of a Spokane Tribal Member with a tribal permit and Federal Migratory Bird Hunting and Conservation Stamp an opportunity to utilize the reservation and ceded lands for waterfowl hunting. These regulations would also benefit tribal membership through access to this resource throughout Spokane Tribal ceded lands in eastern Washington. By Spokane Tribal Referendum, spouses of Spokane Tribal Members and children of Spokane Tribal Members not enrolled are allowed to harvest game animals within the Spokane Indian Reservation with the issuance of hunting permits.

For the 2017–18 season, we have not yet received the Tribe's proposal. The Tribe usually requests to establish duck seasons that would run from September 2, 2017, through January 31, 2018. The tribe is requesting the daily bag limit for ducks to be consistent with final Federal frameworks. The possession limit is twice the daily bag limit.

The Tribe usually proposes a season on geese starting September 2, 2017, and ending on January 31, 2018. The tribe is requesting the daily bag limit for geese to be consistent with final Federal frameworks. The possession limit is twice the daily bag limit.

Based on the quantity of requests the Spokane Tribe of Indians has received, the tribe anticipates harvest levels for the 2017–18 season for both ducks and geese to be fewer than 100 total birds, with goose harvest at fewer than 50. Hunter success will be monitored through mandatory harvest reports returned within 30 days of the season closure.

We propose to approve the Spokane Tribe's requested 2017–18 special migratory bird hunting regulations, upon receipt of their proposal.

(w) Squaxin Island Tribe, Squaxin Island Reservation, Shelton, Washington (Tribal Members Only)

The Squaxin Island Tribe of Washington and the Service have cooperated since 1995, to establish special tribal migratory bird hunting regulations. These special regulations apply to tribal members on the Squaxin Island Reservation, located in western Washington near Olympia, and all lands within the traditional hunting grounds of the Squaxin Island Tribe.

For the 2017–18 season, we have yet to hear from the Squaxin Island Tribe. The Tribe usually requests to establish duck and coot seasons that would run from September 1, 2017, through January 15, 2018. The daily bag limit for ducks would be five per day and could include only one canvasback. The season on harlequin ducks is closed. For coots, the daily bag limit is 25. For snipe, the Tribe usually proposes that the season start on September 15, 2017, and end on January 15, 2018. The daily bag limit for snipe would be eight. For band-tailed pigeon, the Tribe usually proposes that the season start on September 1 and end on December 31, 2017. The daily bag limit would be five. The possession limit would be twice the daily bag limit.

The Tribe usually proposes a season on geese starting September 15, 2017, and ending on January 15, 2018. The daily bag limit for geese would be four, including no more than two snow geese. The season on Aleutian and cackling Canada geese would be closed. For brant, the Tribe usually proposes that the season start on September 1 and end on December 31, 2017. The daily bag limit for brant would be two. The possession limit would be twice the daily bag limit.

We propose to approve the Tribe's 2017–18 special migratory bird hunting regulations, upon receipt of their proposal.

(x) Stillaguamish Tribe of Indians, Arlington, Washington (Tribal Members Only)

The Stillaguamish Tribe of Indians and the Service have cooperated to establish special regulations for migratory game birds since 2001. For the 2017–18 season, the Tribe requests regulations to hunt all open and unclaimed lands under the Treaty of Point Elliott of January 22, 1855, including their main hunting grounds around Camano Island, Skagit Flats, and Port Susan to the border of the Tulalip Tribes Reservation. Ceded lands are located in Whatcom, Skagit, Snohomish, and Kings Counties, and a portion of Pierce County, Washington. The Stillaguamish Tribe of Indians is a federally recognized Tribe and reserves the Treaty Right to hunt (*U.S.* v. *Washington*).

The Tribe proposes their duck (including mergansers and coot) and goose seasons run from October 1, 2017, to March 10, 2018. The daily bag limit on ducks (including sea ducks and mergansers) is 10. The daily bag limit for coot is 25. For geese, the daily bag limit is six. The season on brant is closed. Possession limits are totals of these three daily bag limits.

The Tribe proposes the snipe seasons run from October 1, 2017, to January 31, 2018. The daily bag limit for snipe is 10. Possession limits are three times the daily bag limit.

Harvest is regulated by a punch card system. Tribal members hunting on lands under this proposal will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, which will be enforced by the Stillaguamish Tribal law enforcement. Tribal members are required to use steel shot or a nontoxic shot as required by Federal regulations.

The Tribe anticipates a total harvest of 200 ducks, 100 geese, 50 mergansers, 100 coots, and 100 snipe. Anticipated harvest needs include subsistence and ceremonial needs. Certain species may be closed to hunting for conservation purposes, and consideration for the needs of certain species will be addressed.

The Service proposes to approve the Stillaguamish Tribe's request for 2017–18 special migratory bird hunting regulations.

(y) Swinomish Indian Tribal Community, LaConner, Washington (Tribal Members Only)

In 1996, the Service and the Swinomish Indian Tribal Community began cooperating to establish special regulations for migratory bird hunting. The Swinomish Indian Tribal Community is a federally recognized Indian Tribe consisting of the Swinomish, Lower Skagit, Samish, and Kikialous. The Swinomish Reservation was established by the Treaty of Point Elliott of January 22, 1855, and lies in the Puget Sound area north of Seattle, Washington.

For the 2017–18 season, the Tribal Community requests to establish a migratory bird hunting season on all areas that are open and unclaimed and consistent with the meaning of the treaty. The Tribe proposes their duck (including mergansers and coot) and goose seasons run from September 1, 2017, to March 9, 2018. The daily bag limit on ducks is 20. The daily bag limit for coot is 25. For geese, the daily bag limit is 10. The season on brant runs from September 1, 2017, to March 9, 2018. The daily bag limit is 5.

The Tribe proposes the snipe season run from September 1, 2017, to March 9, 2018. The daily bag limit for snipe is 15. The Tribe proposes the mourning dove season run from September 1, 2017, to March 9, 2018. The daily bag limit for mourning dove is 15. The Tribe proposes the band-tailed pigeon season run from September 1, 2017, to March 9, 2018. The daily bag limit for band-tailed pigeon is 3. The Swinomish Indian Tribal Community requests to have no possession limits.

The Community anticipates that the regulations will result in the harvest of approximately 600 ducks and 200 geese. The Swinomish utilize a report card and permit system to monitor harvest and will implement steps to limit harvest where conservation is needed. All tribal regulations will be enforced by tribal fish and game officers.

We propose to approve these 2017–18 special migratory bird hunting regulations.

(z) The Tulalip Tribes of Washington, Tulalip Indian Reservation, Marysville, Washington (Tribal Members Only)

The Tulalip Tribes are the successors in interest to the Tribes and bands signatory to the Treaty of Point Elliott of January 22, 1855. The Tulalip Tribes' government is located on the Tulalip Indian Reservation just north of the City of Everett in Snohomish County, Washington. The Tribes or individual tribal members own all of the land on the reservation, and they have full wildlife management authority. All lands within the boundaries of the Tulalip Tribes Reservation are closed to nonmember hunting unless opened by Tulalip Tribal regulations.

For ducks, mergansers, coot, and snipe, the Tribe proposes seasons for tribal members from September 3, 2017, through February 28, 2018. Daily bag and possession limits would be 15 and 30 ducks, respectively, except that for blue-winged teal, canvasback, harlequin, pintail, and wood duck, the bag and possession limits would be the same as those established in accordance with final Federal frameworks. For coot, daily bag and possession limits are 25 and 50, respectively, and for snipe 8 and 16, respectively. Ceremonial hunting may be authorized by the Department of Natural Resources at any time upon application of a qualified tribal member. Such a hunt must have a bag limit designed to limit harvest only to those birds necessary to provide for the ceremony.

For geese, tribal members propose a season from September 3, 2017, through February 28, 2018. The goose daily bag and possession limits would be 10 and 20, respectively, except that the bag limits for brant, cackling Canada geese, and dusky Canada geese would be those established in accordance with final Federal frameworks.

All hunters on Tulalip Tribal lands are required to adhere to shooting hour regulations set at one-half hour before sunrise to sunset, special tribal permit requirements, and a number of other tribal regulations enforced by the Tribe. Each nontribal hunter 16 years of age and older hunting pursuant to Tulalip Tribes' Ordinance No. 67 must possess a valid Federal Migratory Bird Hunting and Conservation Stamp and a valid State of Washington Migratory Waterfowl Stamp. Each hunter must validate stamps by signing across the face.

Although the season length requested by the Tulalip Tribes appears to be quite liberal, harvest information indicates a total take by tribal and nontribal hunters of fewer than 1,000 ducks and 500 geese annually.

We propose to approve the Tulalip Tribe's request for 2017–18 special migratory bird hunting regulations.

(aa) Upper Skagit Indian Tribe, Sedro Woolley, Washington (Tribal Members Only)

The Upper Skagit Indian Tribe and the Service have cooperated to establish special regulations for migratory game birds since 2001. The Tribe has jurisdiction over lands within Skagit, Island, and Whatcom Counties, Washington. The Tribe issues tribal hunters a harvest report card that will be shared with the State of Washington.

For the 2017–18 season, the Tribe requests a duck season starting October 1, 2017, and ending February 28, 2018. The Tribe proposes a daily bag limit of 15 with a possession limit of 20. The Tribe requests a coot season starting October 1, 2017, and ending February 15, 2018. The coot daily bag limit is 20 with a possession limit of 30.

The Tribe proposes a goose season from October 1, 2017, to February 28, 2018, with a daily bag limit of 7 geese and a possession limit of 10. For brant, the Tribe proposes a season from November 1 to November 10, 2017, with a daily bag and possession limit of 2.

The Tribe proposes a mourning dove season between September 1 and December 31, 2017, with a daily bag limit of 12 and possession limit of 15.

The anticipated migratory bird harvest under this proposal would be 100 ducks, 5 geese, 2 brant, and 10 coots. Tribal members must have the tribal identification and tribal harvest report card on their person to hunt. Tribal members hunting on the Reservation will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, except shooting hours would be 15 minutes before official sunrise to 15 minutes after official sunset.

We propose to approve the Tribe's 2017–18 special migratory bird hunting regulations.

(bb) Wampanoag Tribe of Gay Head, Aquinnah, Massachusetts (Tribal Members Only)

The Wampanoag Tribe of Gay Head is a federally recognized Tribe located on the island of Martha's Vineyard in Massachusetts. The Tribe has approximately 560 acres of land, which it manages for wildlife through its natural resources department. The Tribe also enforces its own wildlife laws and regulations through the natural resources department.

For the 2017–18 season, we have not yet heard from the Tribe. The Tribe usually proposes a duck season of October 14, 2017, through February 22, 2018. The Tribe usually proposes a daily bag limit of eight birds, which could include no more than four hen mallards, four mottled ducks, one fulvous whistling duck, four mergansers, three scaup, two hooded mergansers, three wood ducks, one canvasback, two redheads, two pintail, and four of all other species not listed. The season for harlequin ducks is usually closed. The Tribe usually

proposes a teal (green-winged and blue) season of October 10, 2017, through February 22, 2018. A daily bag limit of six teal would be in addition to the daily bag limit for ducks.

For sea ducks, the Tribe usually proposes a season between October 7, 2017, and February 22, 2018, with a daily bag limit of seven, which could include no more than one hen eider and four of any one species unless otherwise noted above.

For Canada geese, the Tribe usually requests a season between September 4 and September 21, 2017, and between October 28, 2017, and February 22, 2018, with a daily bag limit of 8 Canada geese. For snow geese, the tribe usually requests a season between September 4 and September 21, 2017, and between November 25, 2017, and February 22, 2018, with a daily bag limit of 15 snow geese.

For woodcock, the Tribe usually proposes a season between October 10 and November 23, 2017, with a daily bag limit of three. For sora and Virginia rails, the Tribe usually requests a season of September 2, 2017, through November 10, 2017, with a daily bag limit of 5 sora and 10 Virginia rails. For snipe, the Tribe usually requests a season of September 2, 2017, through December 16, 2017, with a daily bag limit of 8.

Prior to 2012, the Tribe had 22 registered tribal hunters and estimates harvest to be no more than 15 geese, 25 mallards, 25 teal, 50 black ducks, and 50 of all other species combined. Tribal members hunting on the Reservation will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20. The Tribe requires hunters to register with the Harvest Information Program.

If we receive a proposal that matches the Tribe's usual request, we propose to approve those 2017–18 special migratory bird hunting regulations.

(cc) White Earth Band of Ojibwe, White Earth, Minnesota (Tribal Members Only)

The White Earth Band of Ojibwe is a federally recognized tribe located in northwest Minnesota and encompasses all of Mahnomen County and parts of Becker and Clearwater Counties. The reservation employs conservation officers to enforce migratory bird regulations. The Tribe and the Service first cooperated to establish special tribal regulations in 1999.

For the 2017–18 migratory bird hunting season, the White Earth Band of Ojibwe requests a duck season to start September 9 and end December 17, 2017. For ducks, they request a daily bag limit of 10, including no more than 2 hen mallards, 2 pintail, and 2 canvasback. For mergansers, the Tribe proposes the season to start September 9 and end December 17, 2017. The merganser daily bag limit would be five, with no more than two hooded mergansers. For geese, the Tribe proposes an early season from September 1 through September 22, 2017, and a late season from September 23 through December 17, 2017. The early season daily bag limit is 10 geese, and the late season daily bag limit is 5 geese.

For coots, the Tribe proposes a September 1 through November 30, 2017, season with daily bag limits of 20 coots. For snipe, woodcock, rail, and mourning dove, the Tribe proposes a September 1 through November 30, 2017, season with daily bag limits of 10, 10, 25, and 25 respectively. Shooting hours are one-half hour before sunrise to one-half hour after sunset. Nontoxic shot is required.

Based on past harvest surveys, the Tribe anticipates harvest of 1,000 to 2,000 Canada geese and 1,000 to 1,500 ducks. The White Earth Reservation Tribal Council employs four full-time conservation officers to enforce migratory bird regulations.

We propose to approve the Tribe's 2017–18 special migratory bird hunting regulations.

(dd) White Mountain Apache Tribe, Fort Apache Indian Reservation, Whiteriver, Arizona (Tribal Members and Nontribal Hunters)

The White Mountain Apache Tribe owns all reservation lands, and the Tribe has recognized full wildlife management authority. As in past years, the White Mountain Apache Tribe has requested regulations that are essentially unchanged from those agreed to since the 1997–98 hunting season.

The hunting zone for waterfowl is restricted and is described as: The length of the Black River west of the Bonito Creek and Black River confluence and the entire length of the Salt River forming the southern boundary of the reservation; the White River, extending from the Canyon Day Stockman Station to the Salt River; and all stock ponds located within Wildlife Management Units 4, 5, 6, and 7. Tanks located below the Mogollon Rim, within Wildlife Management Units 2 and 3, will be open to waterfowl hunting during the 2017–18 season. The length of the Black River east of the Black River/Bonito Creek confluence is closed to waterfowl hunting. All other waters of the reservation would be closed to waterfowl hunting for the 2017–18 season.

For nontribal and tribal hunters, the Tribe proposes a continuous duck, coot, merganser, gallinule, and moorhen hunting season, with an opening date of October 14, 2017, and a closing date of January 28, 2018. The season on scaup would open November 4, 2017, and end January 28, 2018. The Tribe proposes a daily duck (including mergansers) bag limit of seven, which may include no more than two redheads, two pintail, three scaup (when open), seven mallards (including no more than two hen mallards), and two canvasback. The daily bag limit for coots, gallinules, and moorhens would be 25, singly or in the aggregate.

For geese, the Tribe proposes a season from October 14, 2017, through January 28, 2018. Hunting would be limited to Canada geese, and the daily bag limit would be three.

Season dates for band-tailed pigeons and mourning doves would start September 1, and end September 15, 2017, in Wildlife Management Unit 10 and all areas south of Y–70 and Y–10 in Wildlife Management Unit 7, only. Proposed daily bag limits for band-tailed pigeons and mourning doves would be 3 and 10, respectively.

Possession limits for the above species are twice the daily bag limits. Shooting hours would be from one-half hour before sunrise to sunset. There would be no open season for sandhill cranes, rails, and snipe on the White Mountain Apache lands under this proposal.

A number of special regulations apply to tribal and nontribal hunters, which may be obtained from the White Mountain Apache Tribe Game and Fish Department.

We plan to approve the White Mountain Apache Tribe's requested 2017–18 special migratory bird hunting regulations.

Public Comments

The Department of the Interior's policy is, whenever possible, to afford the public an opportunity to participate in the rulemaking process. Accordingly, we invite interested persons to submit written comments, suggestions, or recommendations regarding the proposed regulations. Before promulgating final migratory game bird hunting regulations, we will consider all comments we receive. These comments, and any additional information we receive, may lead to final regulations that differ from these proposals.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We will not accept comments sent by email or fax. We will

not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in **DATES**.

We will post all comments in their entirety—including your personal identifying information—on *http://www.regulations.gov.* 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.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We will consider, but possibly may not respond in detail to, each comment. As in the past, we will summarize all comments we receive during the comment period and respond to them after the closing date in the preamble of a final rule.

Required Determinations

Based on our most current data, we are affirming our required determinations made in the May 30 rule; for descriptions of our actions to ensure compliance with the following statutes and Executive Orders, see our May 30, 2017, final rule (82 FR 24786):

- National Environmental Policy Act (NEPA) Consideration;
- Endangered Species Act Consideration;
- Regulatory Flexibility Act;
- Small Business Regulatory Enforcement Fairness Act;
- Paperwork Reduction Act of 1995;
- Unfunded Mandates Reform Act;
- Executive Orders 12630, 12866, 12988, 13132, 13175, 13211, 13563, and 13771.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

The rules that eventually will be promulgated for the 2017–18 hunting season are authorized under 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j.

Dated: August 9, 2017.

Todd D. Willens,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2017–17722 Filed 8–21–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

RIN 0648–XF599

Notification of Receipt of a Petition To Ban Imports of All Fish and Fish Products From Mexico That Do Not Satisfy the Marine Mammal Protection Act Provisions

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

ACTION: Receipt of petition to ban imports through emergency rulemaking; request for information and comments.

SUMMARY: NMFS announces receipt of a petition for emergency rulemaking under the Administrative Procedure Act. Natural Resources Defense Council, the Center for Biological Diversity, and Animal Welfare Institute petitioned the U.S. Department of Commerce and other relevant Departments to initiate emergency rulemaking under the Marine Mammal Protection Act (''MMPA''), to ban importation of commercial fish or products from fish that have been caught with commercial fishing technology that results in incidental mortality or serious injury of vaquita in excess of United States standards.

DATES: Written comments must be received by 5 p.m. Eastern Time on September 21, 2017.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2017–0097, by either of the following methods:

1. *Electronic Submissions:* Submit all electronic comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0097,* click the ''Comment Now!'' icon, complete the required fields and enter or attach your comments.

2. *Mail:* Submit written comments to: Director, Office of International Affairs and Seafood Inspection, Attn: MMPA Petition, NMFS, F/IS, 1315 East-West Highway, Silver Spring, MD 20910.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on *http://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).

Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe portable document file (PDF) formats only. The complete text of the petition is available via the internet at the following web address: *http://www.nmfs.noaa.gov/ia/.* In addition, copies of this petition may be obtained by contacting NMFS at the above address.

FOR FURTHER INFORMATION CONTACT: Nina Young, NMFS F/IS at *Nina.Young@noaa.gov* or 301–427–8383.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(2) of the Marine Mammal Protection Act (MMPA), 16 U.S.C. 1371(a)(2), states that: ''The Secretary of the Treasury shall ban the importation of commercial fish or products from fish which have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of United States standards.'' In August 2016, NMFS published a final rule (81 FR 54390; August 15, 2016) implementing the fish and fish product import provisions in section 101(a)(2) of the MMPA. This rule established conditions for evaluating a harvesting nation's regulatory programs to address incidental and intentional mortality and serious injury of marine mammals in fisheries operated by nations that export fish and fish products to the United States. In that rule, NMFS stated that it may consider emergency rulemaking to ban imports of fish and fish products from an export or exempt fishery having or likely to have an immediate and significant adverse impact on a marine mammal stock.

Information in the Petition

NMFS received the petition on May 18, 2017. The petition alleges that the Secretaries of Commerce and other relevant Federal Departments are required to carry out non-discretionary

duties under section 101(a)(2) of the MMPA (16 U.S.C. 1371(a)(2)), to ''ban the importation of commercial fish or products from fish'' sourced in a manner that ''results in the incidental kill or incidental serious injury'' of vaquita ''in excess of United States standards.'' The petition requested that the relevant Secretary ban all fish and fish products originating from the vaquita's range in the northern Gulf of California that were obtained using any kind of gillnet—the fishing gear solely responsible for the current decline of the vaquita.

As support for the need for this action, the petition cites reports from the Comité Internacional para la Recuperación de la Vaquita (CIRVA) documenting a 95 percent decline in the vaquita population over the last two decades. The petitioners also assert that for the vaquita, gillnet bycatch has driven the species from a population of more than 700 in 1990 to currently fewer than 30 vaquita.

The petitioners maintain that any fishery using gillnets in the Upper Gulf of California violates U.S. standards under the MMPA. The petitioners provide a list of more than 30 fish species potentially harvested by gillnets including corvina and Pacific sierra, which are currently exempt from the Mexican regulations banning the use of gillnets.

On June 30, 2017, Mexico adopted a permanent ban on the use of gillnets throughout the range of vaquita, with the exception of gillnet fisheries for corvina and Pacific sierra. The regulations also prohibit night fishing, establish sites for disembarkation, and require the use of vessel monitoring systems *http://diariooficial.gob.mx/DOFmobile/nota_detalle.php?codigo=5488674&fecha=30/06/2017.*

NMFS will consider public comments in evaluating the request by the petitioners for an import ban. In addition to general comments on the petition, NMFS specifically requests comments on:

- The adequacy of existing measures regulating commercial fishing throughout the range of the vaquita;
- Whether such measures can be considered comparable in effectiveness to the U.S. regulatory program;
- Whether the apparent decline in the vaquita population attributed to interaction with commercial fishing meets the standard of ''immediate and significant adverse impact on a marine mammal stock'' within the MMPA; and
- Which specific fisheries are, or may be, directly associated with potential mortality of vaquita and therefore fall within the scope of the petition for emergency action.

Dated: August 16, 2017.

John Henderschedt,

Director, Office of International Affairs and Seafood Inspection, National Marine Fisheries Service.

[FR Doc. 2017–17717 Filed 8–21–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

RIN 0648–BG82

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Amendment 17B

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

ACTION: Notice of availability; request for comments.

SUMMARY: The Gulf of Mexico (Gulf) Fishery Management Council (Council) has submitted Amendment 17B to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico U.S. Waters (FMP), for review, approval, and implementation by NMFS. Amendment 17B includes actions to define the aggregate maximum sustainable yield (MSY) and aggregate optimum yield (OY) for the Gulf shrimp fishery, determine a minimum number of Federal commercial vessel moratorium permits in the fishery, would allow for the creation of a Federal Gulf shrimp reserve pool permit when certain conditions are met, and would allow for non-federally permitted shrimping vessels to transit through the Gulf exclusive economic zone (EEZ) with shrimp on board the vessel. The purpose of Amendment 17B is to protect federally managed Gulf shrimp stocks while maintaining catch efficiency, economic efficiency, and stability in the fishery.

DATES: Written comments must be received on or before October 23, 2017.

ADDRESSES: You may submit comments on Amendment 17B, identified by ''NOAA–NMFS–2017-0040'' by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0040,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Frank Helies, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

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).

Electronic copies of Amendment 17B, which includes an environmental assessment, a Regulatory Flexibility Act analysis, and a regulatory impact review, may be obtained from the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/shrimp/2017/am17b/index.html.*

FOR FURTHER INFORMATION CONTACT: Frank Helies, telephone: 727–824–5305, or email: *Frank.Helies@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each regional fishery management council to submit any FMP or amendment to NMFS for review and approval, partial approval, or disapproval. The Magnuson-Stevens Act also requires that NMFS, upon receiving a plan or amendment, publish an announcement in the **Federal Register** notifying the public that the plan or amendment is available for review and comment.

The FMP being revised by Amendment 17B was prepared by the Council and implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Act.

Background

From 2003 to 2006, the Gulf shrimp fishery experienced significant economic losses, primarily as a result of high fuel costs and reduced prices caused by competition with imports. These economic losses contributed to a reduction in the number of vessels in the fishery, and consequently, a reduction of commercial effort. During that time, commercial vessels in the Gulf shrimp fishery were required to

have an open-access permit. In 2006, to prevent overcapitalizing the fishery when it became profitable again, the Council established a 10-year freeze on the issuance of new shrimp permits and created a limited access Federal Gulf shrimp moratorium permit (moratorium permit)(71 FR 56039, September 26, 2006). In 2016, the Council extended the duration of the Gulf shrimp moratorium permit program for another 10 years in Amendment 17A to the FMP (81 FR 47733, July 22, 2016).

During the development of Amendment 17A, the Council identified several other issues with the Gulf shrimp fishery that it wanted to address. First, MSY and OY (equal to MSY), are defined individually for the three penaeid shrimp species and for royal red shrimp. Second, the number of moratorium permits has continued to decline, and the Council is concerned that the decline in total permits will continue indefinitely. Finally, transit through Federal waters (Gulf EEZ) shrimp on board currently requires a moratorium permit, which limits the ability of a state-registered vessel to navigate in certain areas of the Gulf while engaged in shrimping. Amendment 17B addresses these issues through revisions to management reference points and the Gulf shrimp permit program.

Actions Contained in Amendment 17B

Amendment 17B includes actions to define the aggregate MSY and aggregate OY for Gulf shrimp, determine a minimum number of Federal commercial vessel moratorium permits in the fishery, allow for the creation of a Federal Gulf shrimp reserve pool permit when certain conditions are met, and allow non-federally permitted shrimping vessels to transit through the Gulf EEZ.

Aggregate MSY and OY

After extending the duration of the Gulf shrimp moratorium permit program for another 10 years, and recognizing that the moratorium results in a passive loss of permits from the fishery, the Council decided to determine an appropriate minimum number of moratorium permits. To facilitate this determination, the Council decided to establish an aggregate MSY and OY for the federal Gulf shrimp fishery. In Amendment 15 to the FMP, the Council established species specific MSYs and OYs for penaeid shrimp. MSY and OY were established for royal red shrimp in the original FMP (46 FR 27489, May 20, 1981). Additionally, Amendment 13 to the FMP revised the MSY and OY for royal red shrimp (71 FR 56039, September 26, 2006). However, the shrimp permit is not species specific and an aggregate MSY and OY for all federally managed shrimp species (penaeid and royal red) can be used as reference points for the shrimp fishery as whole.

In March 2016, the Council convened a working group to determine the appropriate aggregate MSY and aggregate OY for the Gulf shrimp fishery in Federal waters. To determine the aggregate MSY, the working group used the same general approach established by a 2006 working group but included the most recent years of catch and effort data (1990–2014). The working group also determined that there were four important factors to consider when establishing aggregate OY: Landings, catch per unit effort (CPUE), sea turtle bycatch threshold, and juvenile red snapper bycatch. The working group concluded that the predicted effort and associated landings in 2009, balanced all of these criteria relative to observed levels in other years.

Amendment 17B would establish an aggregate MSY for the Federal Gulf shrimp fishery using the method developed by the working group at 112,531,374 lb (51,043,373 kg), tail weight. Amendment 17B would also establish an aggregate OY for the Gulf shrimp fishery equal to 85,761,596 lb (38,900,806 kg), tail weight, which is the aggregate MSY reduced by the ecological, social, and economic factors described above.

Minimum Threshold Number of Gulf Shrimp Moratorium Permits and Federal Gulf Shrimp Reserve Pool Permit

Currently, moratorium permits are valid for 1 year and are required to be renewed annually. If the permit is not renewed within 1 year of its expiration date, the permit is no longer renewable and is terminated. A terminated permit cannot be reissued by NMFS and is lost to the fishery. As of December 31, 2016, there were 1,441 moratorium permits that were valid or renewable. Since the start of the permit moratorium, a total of 493 moratorium permits have been terminated because they were not renewed within the required renewal period.

When the number of moratorium permits reaches 1,175 valid or renewable permits, the Council would form a panel to review details of a Gulf shrimp reserve permit pool and consider options regarding the reserve pool permits. The panel would consist of the Council's Shrimp Advisory Panel members, Science and Statistical Committee members, NMFS, and Council staff. This panel could make recommendations about how to utilize a Gulf shrimp vessel permit reserve pool.

As described in Amendment 17B, when the number of valid or renewable moratorium permits reaches 1,072, then any moratorium permits that are not renewed within 1 year of expiration would be converted to a Gulf shrimp reserve pool permit. This number is based on the predicted number of active permitted vessels needed to attain aggregate OY in the offshore fishery. As explained above, the aggregate OY accounts for relatively high CPUE and landings while reducing the risk of exceeding sea turtle and juvenile red snapper bycatch. As described in Amendment 17B, it is estimated that it could take up to 24 years to reach the threshold value of 1,072 valid or renewable moratorium permits. Therefore, any Gulf shrimp reserve pool permit that is created would not be issued until eligibility requirements are developed by the Council and implemented through subsequent rulemaking. Based on future Council action, Gulf shrimp reserve pool permits could be used as a method to allow new entrants into the fishery or allow persons who previously held a moratorium permit to re-enter the fishery.

Amendment 17B does not actively removes any Gulf shrimp moratorium permits. The minimum threshold is only for purposes of monitoring changes in fishery participation and determining if additional management measures should be established.

Transit Provisions for Shrimp Vessels Without a Federal Permit

Currently, to possess Gulf shrimp in the Gulf EEZ, a vessel must have been issued a moratorium permit. In the Gulf, there are some areas where state-only licensed shrimpers would like to transit with shrimp on board from state waters through Federal waters to return to state waters and port. However, because these state-licensed shrimping vessels do not possess a moratorium permit, they cannot legally transit through the Gulf EEZ while possessing shrimp. This results in some of these vessels spending increased time at sea and incurring additional fuel costs because of longer transit times.

Amendment 17B would allow a vessel possessing Gulf shrimp to transit the Gulf EEZ without a valid moratorium permit if fishing gear is appropriately stowed. Transit would be defined as non-stop progression through the area; fishing gear appropriately stowed would mean trawl doors and nets must be out of the water and the bag straps must be

removed from the net. This transit exemption is expected to reduce the time at sea required for some shrimpers while still allowing enforcement to verify that they have not been fishing in the EEZ.

A proposed rule that would implement measures outlined in Amendment 17B has been drafted. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

Consideration of Public Comments

The Council has submitted Amendment 17B for Secretarial review, approval, and implementation. Comments on Amendment 17B must be received by October 23, 2017. Comments received during the respective comment periods, whether specifically directed to the amendment or the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve the amendment and will be addressed in the final rule.

All comments received by NMFS on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 16, 2017.

Alan D. Risenhoover,

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

[FR Doc. 2017–17635 Filed 8–21–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 170605543–7737–01]

RIN 0648–XF486

Atlantic Highly Migratory Species; 2018 Atlantic Shark Commercial Fishing Season

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

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule would establish quotas, opening dates, and retention limits for the 2018 fishing season for the Atlantic commercial shark fisheries. Quotas would be adjusted as required or allowable based on any over- and/or underharvests experienced during 2017 and previous fishing seasons. In addition, NMFS proposes season opening dates and commercial retention limits based on adaptive management measures to provide, to the extent practicable, fishing opportunities for commercial shark fishermen in all regions and areas. The proposed measures could affect fishing opportunities for commercial shark fishermen in the northwestern Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea.

DATES: Written comments must be received by September 21, 2017.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2017–0069, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0069,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Margo Schulze-Haugen, NMFS/SF1, 1315 East-West Highway, National Marine Fisheries Service, SSMC3, Silver Spring, MD 20910.

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 this proposed rule and supporting documents are available from the HMS Management Division Web site at *www.nmfs.noaa.gov/sfa/hms/* or by contacting Guý DuBeck by phone at 301–427–8503.

FOR FURTHER INFORMATION CONTACT: Guý DuBeck or Karyl Brewster-Geisz at 301–427–8503.

SUPPLEMENTARY INFORMATION:

Background

The Atlantic commercial shark fisheries are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP) and its amendments are implemented by regulations at 50 CFR part 635. For the Atlantic commercial shark fisheries, the 2006 Consolidated HMS FMP and its amendments established, among other things, commercial shark retention limits, commercial quotas for species and management groups, accounting measures for under- and overharvests for the shark fisheries, and adaptive management measures such as flexible opening dates for the fishing season and inseason adjustments to shark trip limits, which provide management flexibility in furtherance of equitable fishing opportunities, to the extent practicable, for commercial shark fishermen in all regions and areas.

2018 Proposed Quotas

This proposed rule would adjust the quota levels for the different shark stocks and management groups for the 2018 Atlantic commercial shark fishing season based on over- and underharvests that occurred during 2017 and previous fishing seasons, consistent with existing regulations at 50 CFR 635.27(b). Over- and underharvests are accounted for in the same region, sub-region, and/or fishery in which they occurred the following year, except that large overharvests may be spread over a number of subsequent fishing years up to a maximum of 5 years. Shark stocks or management groups that contain one or more stocks that are overfished, have overfishing occurring, or have an unknown status, will not have underharvest carried over in the following year. Stocks that are not overfished and have no overfishing occurring may have any underharvest carried over in the following year, up to 50 percent of the base quota.

The quotas in this proposed rule are based on dealer reports received as of July 14, 2017. In the final rule, NMFS will adjust the quotas as needed based on dealer reports received as of a date in mid-October 2017. Thus, all of the 2018 proposed quotas for the respective stocks and management groups will be subject to further adjustment after NMFS considers the dealer reports through mid-October. All dealer reports that are received after the October date will be used to adjust the 2019 quotas, as appropriate.

For the sandbar shark, aggregated large coastal share (LCS), hammerhead shark, non-blacknose small coastal share (SCS), blacknose shark, blue shark, porbeagle shark, and pelagic shark (other than porbeagle or blue sharks) management groups, the 2017 underharvests cannot be carried over to the 2018 fishing season because those stocks or management groups have been determined to be overfished, overfished with overfishing occurring, or have an unknown status. Thus, for all of these management groups, the 2018 proposed quotas would be equal to the applicable base quota minus any overharvests that occurred in 2017 and/or previous fishing seasons, as applicable.

Because the Gulf of Mexico blacktip shark management group and smoothhound shark management groups in the Gulf of Mexico and Atlantic regions have been determined not to be overfished and to have no overfishing occurring, available underharvest (up to 50 percent of the base quota) from the 2017 fishing season for these management groups may be applied to the respective 2018 quotas, and NMFS proposes to do so.

The proposed 2018 quotas by species and management group are summarized in Table 1; the description of the calculations for each stock and management group can be found below.

TABLE 1—2018 PROPOSED QUOTAS AND OPENING DATES FOR THE ATLANTIC SHARK MANAGEMENT GROUPS

[All Quotas and Landings Are Dressed Weight (dw), in Metric Tons (mt), Unless Specified Otherwise. Table Includes Landings Data as of July 14, 2017; Final Quotas Are Subject to Change Based on Landings as of October 2017. 1 mt = 2,204.6 lb]

Region or sub-region	Management group	2017 annual quota (A)	Preliminary 2017 landings [1] (B)	Adjustments [2] (C)	2018 base annual quota (D)	2018 proposed annual quota (D+C)	Season opening dates
Western Gulf of Mexico.	Blacktip Sharks ..	331.6 mt dw (730,425 lb dw).	206.6 mt dw (455,535 lb dw).	[3] 115.7 mt dw (255,131 lb dw).	231.5 mt dw (510,261 lb dw).	347.2 mt dw (765,392 lb dw).	January 1, 2018.
	Aggregated Large Coastal Sharks.	72.0 mt dw (158,724 lb dw).	65.8 mt dw (145,098 lb dw).	.....	72.0 mt dw (158,724 lb dw).	72.0 mt dw (158,724 lb dw).	
	Hammerhead Sharks.	11.9 mt dw (26,301 lb dw).	2.5 mt dw (5,490 lb dw).	.....	11.9 mt dw (26,301 lb dw).	11.9 mt dw (26,301 lb dw).	
Eastern Gulf of Mexico.	Blacktip Sharks ..	36.0 mt dw (79,359 lb dw).	15.3 mt dw (33,788 lb dw).	[3] 12.6 mt dw (27,719 lb dw).	25.1 mt dw (55,439 lb dw).	37.7 mt dw (83,158 lb dw).	
	Aggregated Large Coastal Sharks.	85.5 mt dw (188,593 lb dw).	42.0 mt dw (92,617 lb dw).	.....	85.5 mt dw (188,593 lb dw).	85.5 mt dw (188,593 lb dw).	
	Hammerhead Sharks.	13.4 mt dw (29,421 lb dw).	6.4 mt dw (14,151 lb dw).	.....	13.4 mt dw (29,421 lb dw).	13.4 mt dw (29,421 lb dw).	
Gulf of Mexico	Non-Blacknose Small Coastal Sharks.	112.6 mt dw (248,215 lb dw).	36.2 mt dw (79,779 lb dw).	.....	112.6 mt dw (248,215 lb dw).	112.6 mt dw (248,215 lb dw).	
	Smoothhound Sharks.	504.6 mt dw (1,112,441 lb dw).	0 mt dw (0 lb dw)	168.2 mt dw (370,814 lb dw).	336.4 mt dw (741,627).	504.6 mt dw (1,112,441 lb dw).	
Atlantic	Aggregated Large Coastal Sharks.	168.9 mt dw (372,552 lb dw).	55.2 mt dw (121,791 lb dw).	.....	168.9 mt dw (372,552 lb dw).	168.9 mt dw (372,552 lb dw).	January 1, 2018.
	Hammerhead Sharks.	27.1 mt dw (59,736 lb dw).	5.0 mt dw (10,973 lb dw).	.....	27.1 mt dw (59,736 lb dw).	27.1 mt dw (59,736 lb dw).	
	Non-Blacknose Small Coastal Sharks.	264.1 mt dw (582,333 lb dw).	60.9 mt dw (134,202 lb dw).	.....	264.1 mt dw (582,333 lb dw).	264.1 mt dw (582,333 lb dw).	
	Blacknose Sharks (South of 34 ° N. lat. only).	17.2 mt dw (37,921 lb dw).	5.2 mt dw (11,373 lb dw).	.....	17.2 mt dw (37,921 lb dw).	17.2 mt dw (37,921 lb dw).	
	Smoothhound Sharks.	1,802.6 mt dw (3,973,902 lb dw).	166.9 mt dw (367,933 lb dw).	600.9 mt dw (1,324,634 lb dw).	1,201.7 mt dw (2,649,268 lb dw).	1,802.6 mt dw (3,973,902 lb dw).	
No regional quotas	Non-Sandbar LCS Research.	50.0 mt dw (110,230 lb dw).	10.1 mt dw (22,157 lb dw).	.....	50.0 mt dw (110,230 lb dw).	50.0 mt dw (110,230 lb dw).	January 1, 2018.
	Sandbar Shark Research.	90.7 mt dw (199,943 lb dw).	38.4 mt dw (84,619 lb dw).	.....	90.7 mt dw (199,943 lb dw).	90.7 mt dw (199,943 lb dw).	
	Blue Sharks	273.0 mt dw (601,856 lb dw).	< 2.3 mt dw (< 5,000 lb dw) ...	.....	273.0 mt dw (601,856 lb dw).	273.0 mt dw (601,856 lb dw).	
	Porbeagle Sharks	1.7 mt dw (3,748 lb dw).	0 mt dw (0 lb dw)	.....	1.7 mt dw (3,748 lb dw).	1.7 mt dw (3,748 lb dw).	
	Pelagic Sharks Other Than Porbeagle or Blue.	488.0 mt dw (1,075,856 lb dw).	64.9 mt dw (143,137 lb dw).	.....	488.0 mt dw (1,075,856 lb dw).	488.0 mt dw (1,075,856 lb dw).	

[1] Landings are from January 1, 2017, through July 14, 2017, and are subject to change.

[2] Underharvest adjustments can only be applied to stocks or management groups that are not overfished and have no overfishing occurring. Also, the underharvest adjustments cannot exceed 50 percent of the base quota.

[3] This adjustment accounts for underharvest in 2017. This proposed rule would increase the overall Gulf of Mexico blacktip shark quota by 128.3 mt dw (282,850 lb dw). Since any underharvest would be divided based on the sub-regional quota percentage split, the western Gulf of Mexico blacktip shark quota would be increased by 115.7 mt dw, or 90.2 percent of the underharvest, while the eastern Gulf of Mexico blacktip shark quota would be increased by 12.6 mt dw, or 9.8 percent of the underharvest.

1. Proposed 2018 Quotas for the Gulf of Mexico Region Shark Management Groups

The 2018 proposed commercial quota for blacktip sharks in the western Gulf of Mexico sub-region is 347.2 mt dw (765,392 lb dw) and the eastern Gulf of Mexico sub-region is 37.7 mt dw (83,158 lb dw). As of July 14, 2017, preliminary reported landings for blacktip sharks in the western Gulf of Mexico sub-region were at 62 percent (206.6 mt dw) of their 2017 quota levels (331.6 mt dw), while the blacktip sharks in the eastern Gulf of Mexico sub-region were at 43 percent (15.3 mt dw) of their 2017 quota levels (36.0 mt dw). Reported landings have not exceeded the 2017 quota to

date, and the western Gulf of Mexico sub-region fishery was closed on May 2, 2017 (82 FR 20447). Gulf of Mexico blacktip sharks have not been declared to be overfished, to have overfishing occurring, or to have an unknown status. Pursuant to § 635.27(b)(2)(ii), underharvests for blacktip sharks within the Gulf of Mexico region therefore could be applied to the 2018 quotas up to 50 percent of the base quota. Any underharvest would be split based on the sub-regional quota percentages of 90.2 percent for western Gulf of Mexico blacktip sharks and 9.8 percent for eastern Gulf of Mexico blacktip sharks (§ 635.27(b)(1)(ii)). To date, the overall Gulf of Mexico blacktip shark management group was underharvested by 148.0 mt dw (325,665 lb dw); however, NMFS can only apply up to 50 percent of the base quota or 128.3 mt dw (282,850 lb dw). Accordingly, NMFS proposes to increase the 2018 western Gulf of Mexico blacktip shark quota by 115.7 mt dw (128.3 mt dw underharvest in 2017 * 90.2 percent = 115.7 mt dw western sub-region underharvest) and increase the 2018 eastern Gulf of Mexico blacktip shark quota by 12.6 mt dw (128.3 mt dw underharvest in 2017 * 9.8 percent = 12.6 mt dw eastern sub-region underharvest). Thus, the proposed western sub-regional Gulf of Mexico blacktip shark commercial quota is 347.2 mt dw and the proposed eastern sub-regional Gulf of Mexico blacktip shark commercial quota is 37.7 mt dw.

The 2018 proposed commercial quota for aggregated LCS in the western Gulf of Mexico sub-region is 72.0 mt dw (158,724 lb dw) and the eastern Gulf of Mexico sub-region is 85.5 mt dw (188,593 lb dw). As of July 14, 2017, preliminary reported landings for aggregated LCS in the western Gulf of Mexico sub-region were at 91 percent (65.8 mt dw) of their 2017 quota levels (72.0 mt dw), while the aggregated LCS in the eastern Gulf of Mexico sub-region were at 49 percent (42.0 mt dw) of their 2017 quota levels (85.5 mt dw). Reported landings have not exceeded the 2017 quota to date, and the western aggregated LCS sub-region fishery was closed on May 2, 2017 (82 FR 20447). Given the unknown status of some of the shark species within the Gulf of Mexico aggregated LCS management group, underharvests cannot be carried over pursuant to § 635.27(b)(2)(ii). Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b)(2), NMFS proposes that the 2018 quotas for aggregated LCS in the western Gulf of Mexico and eastern Gulf of Mexico sub-regions be equal to their annual base quotas without adjustment, because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

In the Gulf of Mexico, hammerhead shark quotas are divided into two sub-regions: Western and eastern. The 2018 proposed commercial quotas for hammerhead sharks in the western Gulf of Mexico sub-region and eastern Gulf of Mexico sub-region are 11.9 mt dw (23,301 lb dw) and 13.4 mt dw (29,421 lb dw), respectively. As of July 14, 2017, preliminary reported landings for hammerhead sharks in the western Gulf of Mexico sub-region were at 24 percent (2.5 mt dw) of their 2017 quota levels (11.9 mt dw), while landings of hammerhead sharks in the eastern Gulf of Mexico sub-region were at 48 percent (6.4 mt dw) of their 2017 quota levels (13.4 mt dw). Reported landings have not exceeded the 2017 quota to date, and the western hammerhead shark sub-region fishery was closed on May 2, 2017 (82 FR 20447). Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b)(2), at this time, NMFS proposes that the 2018 quotas for hammerhead sharks in the western Gulf of Mexico and eastern Gulf of Mexico sub-regions be equal to their annual base quotas without adjustment, because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

The 2018 proposed commercial quota for non-blacknose SCS in the Gulf of Mexico region is 112.6 mt dw (248,215 lb dw). As of July 14, 2017, preliminary reported landings of non-blacknose SCS were at 32 percent (36.2 mt dw) of their 2017 quota level (112.6 mt dw) in the Gulf of Mexico region. Reported landings have not exceeded the 2017 quota to date. Given the unknown status of bonnethead sharks within the Gulf of Mexico non-blacknose SCS management group, underharvests cannot be carried forward pursuant to § 635.27(b)(2)(ii). Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b)(2), NMFS proposes that the 2018 quota for non-blacknose SCS in the Gulf of Mexico region be equal to the annual base quota without adjustment, because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

The 2018 proposed commercial quota for smoothhound sharks in the Gulf of Mexico region is 504.6 mt dw (1,112,441 lb dw). As of July 14, 2017, there are no preliminary reported landings of smoothhound sharks in the Gulf of Mexico region. Gulf of Mexico smoothhound sharks have not been declared to be overfished, to have overfishing occurring, or to have an unknown status. Pursuant to § 635.27(b)(2)(ii), underharvests for smoothhound sharks within the Gulf of Mexico region therefore could be applied to the 2018 quotas up to 50 percent of the base quota. Accordingly, NMFS proposes to increase the 2018 Gulf of Mexico smoothhound shark quota to adjust for anticipated underharvests in 2017 as allowed. The proposed 2018 adjusted base annual quota for Gulf of Mexico smoothhound sharks is 504.6 mt dw (1,112,441 lb dw) (336.4 mt dw annual base quota + 168.2 mt dw 2017 underharvest = 504.6 mt dw 2018 adjusted annual quota).

2. Proposed 2018 Quotas for the Atlantic Region Shark Management Groups

The 2018 proposed commercial quota for aggregated LCS in the Atlantic region is 168.9 mt dw (372,552 lb dw). As of July 14, 2017, the aggregated LCS fishery in the Atlantic region is still open and preliminary landings indicate that only 33 percent of the quota, or 55.2 mt dw (121,791 lb dw), has been harvested. Given the unknown status of some of the shark species within the Atlantic aggregated LCS management group, underharvests cannot be carried over pursuant to § 635.27(b)(2)(ii). Therefore, based on preliminary estimates and consistent with current regulations at § 635.27(b)(2), NMFS proposes that the 2018 quota for aggregated LCS in the Atlantic region be equal to the annual base quota without adjustment, because there have not been any overharvests and underharvests cannot be carried over due to stock status.

The 2018 proposed commercial quota for hammerhead sharks in the Atlantic region is 27.1 mt dw (59,736 lb dw). Currently, the hammerhead shark fishery in the Atlantic region is still open and preliminary landings as of July 14, 2017, indicate that only 18 percent of the quota, or 5.0 mt dw (10,973 lb dw), has been harvested. Given the overfished status of hammerhead sharks, underharvests cannot be carried forward pursuant to § 635.27(b)(2)(ii). Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b)(2), NMFS proposes that the 2018 quota for hammerhead sharks in the Atlantic region be equal to the annual base quota without adjustment, because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

The 2018 proposed commercial quota for non-blacknose SCS in the Atlantic region is 264.1 mt dw (582,333 lb dw). As of July 14, 2017, preliminary reported landings of non-blacknose SCS were at 23 percent (60.9 mt dw) of their 2017 quota level (264.1 mt dw) in the Atlantic region. Reported landings have not exceeded the 2017 quota to date. Given the unknown status of bonnethead sharks within the Atlantic non-blacknose SCS management group, underharvests cannot be carried forward pursuant to § 635.27(b)(2)(ii). Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b)(2), NMFS proposes that the 2018 quota for non-blacknose SCS in the Atlantic region be equal to the annual base quota without adjustment, because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

The 2018 proposed commercial quota for blacknose sharks in the Atlantic region is 17.2 mt dw (37,921 lb dw). As of July 14, 2017, preliminary reported landings of blacknose sharks were at 30 percent (5.2 mt dw) of their 2017 quota levels (17.2 mt dw) in the Atlantic region. Reported landings have not exceeded the 2017 quota to date. Pursuant to § 635.27(b)(2), because blacknose sharks have been declared to be overfished with overfishing occurring in the Atlantic region, NMFS could not carry forward the remaining underharvest. Therefore, NMFS proposes that the 2018 Atlantic blacknose shark quota be equal to the annual base quota without adjustment. (**NOTE:** The blacknose shark quota is available in the Atlantic region only for those vessels operating south of 34° N. latitude; north of 34° N. latitude, retention, landing, and sale of blacknose sharks are prohibited.)

The 2018 proposed commercial quota for smoothhound sharks in the Atlantic region is 1,802.6 mt dw (3,973,902 lb dw). As of July 14, 2017, preliminary reported landings of smoothhound sharks were at 9 percent (166.9 mt dw) of their 2017 quota levels (1,802.6 mt dw) in the Atlantic region. Atlantic smoothhound sharks have not been declared to be overfished, to have overfishing occurring, or to have an unknown status. Pursuant to § 635.27(b)(2)(ii), underharvests for smoothhound sharks within the Atlantic region therefore could be applied to the 2018 quotas up to 50 percent of the base quota. Accordingly, NMFS proposes to increase the 2018 Atlantic smoothhound shark quota to adjust for anticipated underharvests in 2017 as allowed. The proposed 2018 adjusted base annual quota for Atlantic smoothhound sharks is 1,802.6 mt dw (1,323,862 lb dw) (1,201.7 mt dw annual base quota + 600.9 mt dw 2017 underharvest = 1,802.6 mt dw 2018 adjusted annual quota).

3. Proposed 2018 Quotas for Shark Management Groups With No Regional Quotas

The 2018 proposed commercial quotas within the shark research fishery are 50.0 mt dw (110,230 lb dw) for research LCS and 90.7 mt dw (199,943 lb dw) for sandbar sharks. Within the shark research fishery, as of July 14, 2017, preliminary reported landings of research LCS were at 20 percent (10.1 mt dw) of their 2017 quota levels (50.0 mt dw), and sandbar shark reported landings were at 42 percent (38.4 mt dw) of their 2017 quota levels (27.1 mt dw). Reported landings have not exceeded the 2017 quotas to date. Under § 635.27(b)(2)(ii), because sandbar sharks and scalloped hammerhead sharks within the research LCS management group have been determined to be either overfished or overfished with overfishing occurring, underharvests for these management groups cannot be carried forward to the 2018 quotas. Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b)(2), NMFS proposes that the 2018 quota in the shark research fishery be equal to the annual base quota without adjustment because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

The 2018 proposed commercial quotas for blue sharks, porbeagle sharks, and pelagic sharks (other than porbeagle or blue sharks) are 273 mt dw (601,856 lb dw), 1.7 mt dw (3,748 lb dw), and 488 mt dw (1,075,856 lb dw), respectively. As of July 14, 2017, there are no preliminary reported landings of porbeagle sharks. The preliminary reported landings of blue sharks were at less than 1 percent (less than 2.3 mt dw) of their 2017 quota level (273.0 mt dw), while preliminary reported landings of pelagic sharks (other than porbeagle and blue sharks) were at 13 percent (64.9 mt dw) of their 2017 quota level (488.0 mt dw). Given that these pelagic species are overfished, have overfishing occurring, or have an unknown status, underharvests cannot be carried forward pursuant to § 635.27(b)(2)(ii). Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b)(2), NMFS proposes that the 2018 quotas for blue sharks, porbeagle sharks, and pelagic sharks (other than porbeagle and blue sharks) be equal to their annual base quotas without adjustment, because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

Proposed Opening Dates and Retention Limits for the 2018 Atlantic Commercial Shark Fishing Season

For each fishery, NMFS considered the seven ''Opening Commercial Fishing Season Criteria'' listed at § 635.27(b)(3). The ''Opening Fishing Season'' criteria consider factors such as the available annual quotas for the current fishing season, estimated season length and average weekly catch rates from previous years, length of the season and fishermen participation in past years, impacts to accomplishing objectives of the 2006 Consolidated HMS FMP and its amendments, temporal variation in behavior or biology target species (*e.g.,* seasonal distribution or abundance), impact of catch rates in one region on another, and effects of delayed season openings.

Specifically, as described above and below, NMFS examined the 2017 and previous fishing years' over- and/or underharvests of the different management groups to determine the effects of the 2018 proposed commercial quotas on the shark stocks and fishermen across regional and sub-regional fishing areas. NMFS also examined the potential season length and previous catch rates to ensure, to the extent practicable, that equitable fishing opportunities be provided to fishermen in all areas. Lastly, NMFS examined the seasonal variation of the different species/management groups and the effects on fishing opportunities.

As described below, NMFS also considered the six ''Inseason trip limit adjustment criteria'' listed at § 635.24(a)(8) for directed shark limited access permit holders intending to land LCS other than sandbar sharks. Those criteria are: The amount of remaining shark quota in the relevant area or region, to date, based on dealer reports; the catch rates of the relevant shark species/complexes, to date, based on dealer reports; estimated date of fishery closure based on when the landings are projected to reach 80 percent of the quota given the realized catch rates; effects of the adjustment on accomplishing the objectives of the 2006 Consolidated HMS FMP and its amendments; variations in seasonal distribution, abundance, or migratory patterns of the relevant shark species based on scientific and fishery-based knowledge; and/or effects of catch rates in one part of a region precluding vessels in another part of that region

from having a reasonable opportunity to harvest a portion of the relevant quota.

After considering these criteria, NMFS is proposing that the 2018 Atlantic commercial shark fishing season for all shark management groups in the northwestern Atlantic Ocean, including the Gulf of Mexico and the Caribbean Sea, open on or about January 1, 2018, after the publication of the final rule for this action (Table 2). NMFS is also proposing to start the 2018 commercial shark fishing season with the commercial retention limit of 45 LCS other than sandbar sharks per vessel per trip in the western Gulf of Mexico sub-region, 50 LCS other than sandbar sharks per vessel per trip in the eastern Gulf of Mexico sub-region, and 25 LCS other than sandbar sharks per vessel per trip in the Atlantic region (Table 2). However, at the time of writing this proposed rule, some management groups remain open and, for those management groups that are already closed, landings are still being calculated and checked for quality control and assurance. Thus, NMFS may implement different opening dates and commercial retention limits in the final rule if there are underharvested quotas or quota exceedances in 2017 that are not accounted for in this proposed rule.

TABLE 2—QUOTA LINKAGES, SEASON OPENING DATES, AND COMMERCIAL RETENTION LIMIT BY REGIONAL OR SUB-REGIONAL SHARK MANAGEMENT GROUP

Region or sub-region	Management group	Quota linkages	Season opening dates	Commercial retention limits for directed shark limited access permit holders (inseason adjustments are possible)
Western Gulf of Mexico	Blacktip Sharks	Not Linked	January 1, 2018	45 LCS other than sandbar sharks per vessel per trip.
	Aggregated Large Coastal Sharks.	Linked.		
	Hammerhead Sharks.			
Eastern Gulf of Mexico	Blacktip Sharks	Not Linked	January 1, 2018	50 LCS other than sandbar sharks per vessel per trip.
	Aggregated Large Coastal Sharks.	Linked.		
	Hammerhead Sharks.			
Gulf of Mexico	Non-Blacknose Small Coastal Sharks.	Not Linked	January 1, 2018	N/A.
	Smoothhound Sharks	Not Linked	January 1, 2018	N/A.
Atlantic	Aggregated Large Coastal Sharks.	Linked	January 1, 2018	25 LCS other than sandbar sharks per vessel per trip. If quota is landed quickly (e.g., if approximately 20 percent of quota is caught at the beginning of the year), NMFS anticipates an inseason reduction (e.g., to 3 or fewer LCS other than sandbar sharks per vessel per trip), then an inseason increase to 36 LCS other than sandbar sharks per vessel per trip around July 15, 2018.
				Hammerhead Sharks
	Non-Blacknose Small Coastal Sharks.	Linked (South of 34° N. lat. only).	January 1, 2018	N/A.
	Blacknose Sharks (South of 34° N. lat. only).			
	Smoothhound Sharks	Not Linked	January 1, 2018	N/A.
No regional quotas	Non-Sandbar LCS Research.	Linked	January 1, 2018	N/A.
	Sandbar Shark Research			
	Blue Sharks	Not Linked	January 1, 2018	N/A.
	Porbeagle Sharks			
	Pelagic Sharks Other Than Porbeagle or Blue			

In the Gulf of Mexico region, we are opening the fishing season on or about January 1, 2018, for the aggregated LCS, blacktip sharks, and hammerhead shark management groups with the commercial retention limits of 45 LCS other than sandbar sharks per vessel per trip for directed shark permit holders in the western sub-region—and 50 LCS other than sandbar sharks per vessel per trip for directed shark permit holders in the eastern sub-region. This would provide, to the extent practicable, equitable opportunities across the fisheries management sub-regions. This opening date takes into account all the season opening criteria listed in § 635.27(b)(3), and particularly the criteria that NMFS consider the length of the season for the different species and/or management group in the previous years (§ 635.27(b)(3)(ii) and (iii)) and whether fishermen were able to participate in the fishery in those years (§ 635.27(b)(3)(v)). The proposed commercial retention limits take into account the criteria listed in § 635.24(a)(8), and particularly the criterion that NMFS consider the catch rates of the relevant shark species/complexes based on dealer reports to date (§ 635.24(a)(8)(ii)). Similar to the retention limit adjustment process described for the Atlantic region, NMFS may consider adjusting the retention limit in the Gulf of Mexico region throughout the season to ensure fishermen in all parts of the region have an opportunity to harvest aggregated

LCS, blacktip sharks, and hammerhead sharks (see the criteria listed at § 635.27(b)(3)(v) and § 635.24(a)(8)(ii), (v), and (vi)). In 2017, the management groups in the western Gulf of Mexico sub-region were closed on May 2, 2017 (82 FR 20447). As such, in 2018, NMFS is proposing the same commercial trip limit for these management groups that was set in 2017 in order to ensure the management group is open until at least April 2017, which is when the State of Louisiana closes state waters to shark fishing and when that State has previously asked that NMFS close Federal shark fisheries to match state regulations if quotas are limited (see the criteria listed at § 635.27(b)(3)(vii) and § 635.24(a)(8)(iii)). In the eastern Gulf of Mexico, NMFS is proposing a slightly higher trip limit in order to increase the harvest levels. Currently, the aggregated LCS, blacktip shark, and hammerhead shark management groups are still open in the eastern Gulf of Mexico sub-region (see the criteria listed at § 635.27(b)(3)(i) through (v), § 635.24(a)(8)(i) through (iii), and § 635.24(a)(8)(v) and (vi)). Fishermen fishing for these management groups in the eastern Gulf of Mexico did not fully land available quota in 2016 (fishing with the same retention limit as in 2017), and, if fishing rates remain similar to those in 2016, are not expected to fully land available quotas in 2017. Thus, NMFS believes that a small increase in retention limit in this sub-region could allow fishermen additional opportunities to fully land available quotas while not exceeding them. However, if catch rates increase and the eastern Gulf of Mexico sub-regional management groups close this year, NMFS could make changes to the 2018 opening dates and commercial retention limits if necessary to ensure equitable fishing opportunities.

In the Atlantic region, NMFS proposes opening the aggregated LCS and hammerhead shark management groups on or about January 1, 2018. This opening date is the same date that these management groups opened in 2017. As described below, this opening date also takes into account all the criteria listed in § 635.27(b)(3), and particularly the criterion that NMFS consider the effects of catch rates in one part of a region precluding vessels in another part of that region from having a reasonable opportunity to harvest a portion of the different species and/or management quotas (§ 635.27(b)(3)(v)). In 2017, the data indicate that an opening date of January 1 provided a reasonable opportunity for every part of each region to harvest a portion of the available quotas (§ 635.27(b)(3)(i)) while accounting for variations in seasonal distribution of the different species in the management groups (§ 635.27(b)(3)(iv)). When the aggregated LCS quota was harvested too quickly to allow fishermen in the North Atlantic area an opportunity to fish, NMFS reduced the retention limit to three sharks per trip on April 13, 2017 (82 FR 17765). NMFS then increased the retention limit to 36 sharks per trip on July 16, 2017 (82 FR 32490), to allow for equitable fishing opportunities across the Atlantic region. Because the quotas in 2018 are proposed to be the same as the quotas in 2017, NMFS expects that the season lengths and therefore the participation of various fishermen throughout the region, would be similar in 2018 (§ 635.27(b)(3)(ii) and (iii)). Based on the recent performance of the fishery, the January 1 opening date appears to be meet the objectives of the 2006 Consolidated HMS FMP and its amendments (§ 635.27(b)(3)(vi)). Therefore, there is no information that indicates changing the opening date is necessary.

In addition, for the aggregated LCS and hammerhead shark management groups in the Atlantic region, NMFS is proposing that the commercial retention trip limit for directed shark limited access permit holders on the proposed opening date be 25 LCS other than sandbar sharks per vessel per trip. This retention limit should allow fishermen to harvest some of the 2018 quota at the beginning of the year when sharks are more prevalent in the South Atlantic area (see the criteria at § 635.24(a)(3)(i), (ii), (v), and (vi)). As was done in 2017, if it appears that the quota is being harvested too quickly (*i.e.,* about 20 percent) to allow directed fishermen throughout the entire region an opportunity to fish and ensure enough quota remains until later in the year, NMFS would reduce the commercial retention limits to incidental levels (3 LCS other than sandbar sharks per vessel per trip) or another level calculated to reduce the harvest of LCS taking into account § 635.27(b)(3) and the inseason trip limit adjustment criteria listed in § 635.24(a)(8), particularly the consideration of whether catch rates in one part of a region or sub-region are precluding vessels in another part of that region or sub-region from having a reasonable opportunity to harvest a portion of the relevant quota (§ 635.24(a)(8)(vi)). If the quota continues to be harvested quickly, NMFS could reduce the retention limit to 0 LCS other than sandbar sharks per vessel per trip to ensure enough quota remains until later in the year. If either situation occurs, NMFS would publish in the **Federal Register** notification of any inseason adjustments of the retention limit to an appropriate limit of sharks per trip. In 2017, NMFS reduced the retention limit to 3 LCS other than sandbar sharks on April 13, 2017 (82 FR 17765) when the aggregated LCS landings reached approximately 20 percent of the aggregated LCS quota, and did not need to reduce it further.

Also, as was done in 2017, NMFS will consider increasing the commercial retention limits per trip at a later date if necessary to provide fishermen in the northern portion of the Atlantic region an opportunity to retain aggregated LCS and hammerhead sharks after considering the appropriate inseason adjustment criteria. Similarly, at some point later in the year (*e.g.,* July 15), potentially equivalent to how the 2017 fishing season operated, NMFS may consider increasing the retention limit to 36 LCS other than sandbar sharks per vessel per trip or another amount, as deemed appropriate, after considering the inseason trip limit adjustment criteria. If the quota is being harvested too quickly or too slowly, NMFS could adjust the retention limit appropriately to ensure the fishery remains open most of the rest of the year. Since the fishery is still open with majority of the quota available, NMFS will monitor the rest of the fishing season and could make changes to the proposed 2018 opening date if necessary to ensure equitable fishing opportunities.

All of the shark management groups would remain open until December 31, 2018, or until NMFS determines that the fishing season landings for any shark management group have reached, or are projected to reach, 80 percent of the available quota. If NMFS determines that a non-linked shark species or management group must be closed, then, consistent with § 635.28(b)(2) for non-linked quotas (*e.g.,* eastern Gulf of Mexico blacktip, western Gulf of Mexico blacktip, Gulf of Mexico non-blacknose SCS, pelagic sharks, or the Atlantic or Gulf of Mexico smoothhound sharks), NMFS will publish in the **Federal Register** a notice of closure for that shark species, shark management group, region, and/or sub-region that will be effective no fewer than 5 days from the date of filing. For the blacktip shark management group, regulations at § 635.28(b)(5)(i) through (v) authorize NMFS to close the management group before landings reach, or are expected to reach, 80 percent of the quota after considering the following criteria and other relevant factors: season length based on available sub-regional quota and average sub-regional catch rates;

variability in regional and/or sub-regional seasonal distribution, abundance, and migratory patterns; effects on accomplishing the objectives of the 2006 Consolidated HMS FMP and its amendments; amount of remaining shark quotas in the relevant sub-region; and regional and/or sub-regional catch rates of the relevant shark species or management groups. From the effective date and time of the closure until NMFS announces, via the publication of a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fisheries for the shark species or management group are closed, even across fishing years.

If NMFS determines that a linked shark species or management group must be closed, then, consistent with § 635.28(b)(3) for linked quotas, NMFS will publish in the **Federal Register** a notice of closure for all of the species and/or management groups in a linked group that will be effective no fewer than 5 days from date of filing. From the effective date and time of the closure until NMFS announces, via the publication of a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fisheries for all linked species and/or management groups are closed, even across fishing years. The linked quotas of the species and/or management groups are Atlantic hammerhead sharks and Atlantic aggregated LCS; eastern Gulf of Mexico hammerhead sharks and eastern Gulf of Mexico aggregated LCS; western Gulf of Mexico hammerhead sharks and western Gulf of Mexico aggregated LCS; and Atlantic blacknose and Atlantic non-blacknose SCS south of 34° N. latitude. NMFS may close the fishery for the Gulf of Mexico blacktip shark before landings reach, or are expected to reach, 80 percent of the quota, after considering the criteria listed at § 635.28(b)(5).

Request for Comments

Comments on this proposed rule may be submitted via *www.regulations.gov or* by mail. NMFS solicits comments on this proposed rule by September 21, 2017 (see **DATES** and **ADDRESSES**).

Classification

The NMFS Assistant Administrator has determined that the proposed rule is consistent with the 2006 Consolidated HMS FMP and its amendments, the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

These proposed specifications are exempt from review under Executive Order 12866.

NMFS determined that the final rules to implement Amendment 2 to the 2006 Consolidated HMS FMP (June 24, 2008, 73 FR 35778; corrected on July 15, 2008, 73 FR 40658), Amendment 5a to the 2006 Consolidated HMS FMP (78 FR 40318; July 3, 2013), Amendment 6 to the 2006 Consolidated HMS FMP (80 FR 50073; August 18, 2015), and Amendment 9 to the 2006 Consolidated HMS FMP (80 FR 73128; November 24, 2015) are consistent to the maximum extent practicable with the enforceable policies of the approved coastal management program of coastal states on the Atlantic including the Gulf of Mexico and the Caribbean Sea as required under the Coastal Zone Management Act. Pursuant to 15 CFR 930.41(a), NMFS provided the Coastal Zone Management Program of each coastal state a 60-day period to review the consistency determination and to advise the Agency of their concurrence. NMFS received concurrence with the consistency determinations from several states and inferred consistency from those states that did not respond within the 60-day time period. This proposed action to establish opening dates and adjust quotas for the 2018 fishing season for the Atlantic commercial shark fisheries does not change the framework previously consulted upon; therefore, no additional consultation is required.

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. The IRFA analysis follows.

Section 603(b)(1) of the RFA requires agencies to explain the purpose of the rule. This rule, consistent with the Magnuson-Stevens Act and the 2006 Consolidated HMS FMP and its amendments, is being proposed to establish the 2018 commercial shark fishing quotas, retention limits, and fishing seasons. Without this rule, the commercial shark fisheries would close on December 31, 2017, and would not open until another action was taken. This proposed rule would be implemented according to the regulations implementing the 2006 Consolidated HMS FMP and its amendments. Thus, NMFS expects few, if any, economic impacts to fishermen other than those already analyzed in the 2006 Consolidated HMS FMP and its amendments, based on the quota adjustments.

Section 603(b)(2) of the RFA requires agencies to explain the rule's objectives. The objectives of this rule are to: Adjust the baseline quotas for all Atlantic shark management groups based on any over- and/or underharvests from the previous fishing year(s); establish the opening dates of the various management groups; and establish the retention limits for the blacktip shark, aggregated large coastal shark, and hammerhead shark management groups in order to provide, to the extent practicable, equitable opportunities across the fishing management regions and/or sub-regions while also considering the ecological needs of the different shark species.

Section 603(b)(3) of the RFA requires agencies to provide an estimate of the number of small entities to which the rule would apply. The Small Business Administration (SBA) has established size criteria for all major industry sectors in the United States, including fish harvesters. Provision is made under SBA's regulations for an agency to develop its own industry-specific size standards after consultation with Advocacy and an opportunity for public comment (see 13 CFR 121.903(c)). Under this provision, NMFS may establish size standards that differ from those established by the SBA Office of Size Standards, but only for use by NMFS and only for the purpose of conducting an analysis of economic effects in fulfillment of the agency's obligations under the RFA. To utilize this provision, NMFS must publish such size standards in the **Federal Register**, which NMFS did on December 29, 2015 (80 FR 81194). In this final rule effective on July 1, 2016, NMFS established a small business size standard of $11 million in annual gross receipts for all businesses in the commercial fishing industry (NAICS 11411) for RFA compliance purposes. NMFS considers all HMS permit holders to be small entities because they had average annual receipts of less than $11 million for commercial fishing.

As of July 2017, the proposed rule would apply to the approximately 206 directed commercial shark permit holders, 244 incidental commercial shark permit holders, 142 smoothhound shark permit holders, and 112 commercial shark dealers. Not all permit holders are active in the fishery in any given year. Active directed commercial shark permit holders are defined as those with valid permits that landed one shark based on HMS electronic dealer reports. Of the 450 directed and incidental commercial shark permit holders, only 28 permit holders landed sharks in the Gulf of Mexico region and only 78 landed sharks in the Atlantic region. Of the 142 smoothhound shark permit holders, only 26 permit holders landed

smoothhound sharks in the Atlantic region and none landed smoothhound sharks in the Gulf of Mexico region. NMFS has determined that the proposed rule would not likely affect any small governmental jurisdictions.

This proposed rule does not contain any new reporting, recordkeeping, or other compliance requirements (5 U.S.C. 603(b)(4)). Similarly, this proposed rule would not conflict, duplicate, or overlap with other relevant Federal rules (5 U.S.C. 603(b)(5)). Fishermen, dealers, and managers in these fisheries must comply with a number of international agreements as domestically implemented, domestic laws, and FMPs. These include, but are not limited to, the Magnuson-Stevens Act, the Atlantic Tunas Convention Act, the High Seas Fishing Compliance Act, the Marine Mammal Protection Act, the Endangered Species Act, the National Environmental Policy Act, the Paperwork Reduction Act, and the Coastal Zone Management Act.

Section 603(c) of the RFA requires each IRFA to contain a description of any significant alternatives to the proposed rule which would accomplish the stated objectives of applicable statutes and minimize any significant economic impact of the proposed rule on small entities. Additionally, the RFA (5 U.S.C. 603(c)(1)–(4)) lists four general categories of significant alternatives that would assist an agency in the development of significant alternatives. These categories of alternatives are: (1) Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) use of performance rather than design standards; and, (4) exemptions from coverage of the rule for small entities. In order to meet the objectives of this proposed rule, consistent with the Magnuson-Stevens Act, NMFS cannot exempt small entities or change the reporting requirements only for small entities because all the entities affected are considered small entities; therefore, there are no alternatives discussed that fall under the first, second, and fourth categories described above. NMFS does not know of any performance or design standards that would satisfy the aforementioned objectives of this rulemaking while, concurrently, complying with the Magnuson-Stevens Act; therefore, there are no alternatives considered under the third category.

This rulemaking does not establish management measures to be implemented, but rather implements previously adopted and analyzed measures with adjustments, as specified in the 2006 Consolidated HMS FMP and its amendments and the Environmental Assessment (EA) that accompanied the 2011 shark quota specifications rule (75 FR 76302; December 8, 2010). Thus, NMFS proposes to adjust quotas established and analyzed in the 2006 Consolidated HMS FMP and its amendments by subtracting the underharvest or adding the overharvest as allowable. Thus, NMFS has limited flexibility to modify the quotas in this rule, the impacts of which were analyzed in previous regulatory flexibility analyses.

Based on the 2016 ex-vessel price, fully harvesting the unadjusted 2018 Atlantic shark commercial baseline quotas could result in total fleet revenues of $7,779,285 (see Table 3). For the Gulf of Mexico blacktip shark management group, NMFS is proposing to increase the baseline sub-regional quotas due to the underharvests in 2017. The increase for the western Gulf of Mexico blacktip shark management group could result in a $218,647 gain in total revenues for fishermen in that sub-region, while the increase for the eastern Gulf of Mexico blacktip shark management group could result in a $32,902 gain in total revenues for fishermen in that sub-region. For the Gulf of Mexico and Atlantic smoothhound shark management groups, NMFS is proposing to increase the baseline quotas due to the underharvest in 2017. This would cause a potential gain in revenue of $581,718 for the fleet in the Gulf of Mexico region and a potential gain in revenue of $1,083,926 for the fleet in the Atlantic region.

All of these changes in gross revenues are similar to the changes in gross revenues analyzed in the 2006 Consolidated HMS FMP and its amendments. The final regulatory flexibility analyses for those amendments concluded that the economic impacts on these small entities are expected to be minimal. In the 2006 Consolidated HMS FMP and its amendments and the EA for the 2011 shark quota specifications rule, NMFS stated it would be conducting annual rulemakings and considering the potential economic impacts of adjusting the quotas for under- and overharvests at that time.

TABLE 3—AVERAGE EX-VESSEL PRICES PER LB DW FOR EACH SHARK MANAGEMENT GROUP, 2016

Region	Species	Average ex-vessel meat price	Average ex-vessel fin price
Western Gulf of Mexico	Blacktip Shark	$0.56	$11.00
	Aggregated LCS	0.52	11.06
	Hammerhead Shark	0.83	11.08
Eastern Gulf of Mexico	Blacktip Shark	0.89	10.67
	Aggregated LCS	0.56	11.23
	Hammerhead Shark	0.25	15.95
Gulf of Mexico	Non-Blacknose SCS	0.38	8.68
	Smoothhound Shark	1.50	1.91
Atlantic	Aggregated LCS	0.79	5.54
	Hammerhead Shark	0.38	5.73
	Non-Blacknose SCS	0.71	2.92
	Blacknose Shark	0.98	2.92
	Smoothhound Shark	0.75	1.91
No Region	Shark Research Fishery (Aggregated LCS)	0.70	9.47
	Shark Research Fishery (Sandbar only)	0.68	9.47
	Blue shark	0.75	3.58
	Porbeagle shark*	1.54	3.58
	Other Pelagic sharks	1.54	3.58

*Used other pelagic shark ex-vessel prices for porbeagle sharks ex-vessel prices since there currently are no landings of porbeagle sharks.

For this rule, NMFS also reviewed the criteria at § 635.27(b)(3) to determine when opening each fishery would provide equitable opportunities for fishermen, to the extent practicable, while also considering the ecological needs of the different species. The opening dates of the fishing season(s) could vary depending upon the available annual quota, catch rates, and number of fishing participants during the year. For the 2018 fishing season, NMFS is proposing to open all of the shark management groups on the effective date of the final rule for this action (expected to be on or about January 1). The direct and indirect economic impacts would be neutral on a short- and long-term basis because NMFS is not proposing to change the opening dates of these fisheries from the status quo.

Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 1801 *et seq.*

Dated: August 15, 2017.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2017–17575 Filed 8–21–17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 679 and 680

[Docket No. 170412391–7391–01]

RIN 0648–BG84

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Management Area; American Fisheries Act; Bering Sea and Aleutian Islands Crab Rationalization Program

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues a proposed rule to implement Amendment 48 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (Crab FMP) and a regulatory amendment to revise regulations implementing the American Fisheries Act (AFA) Program and the Crab Rationalization (CR) Program. This proposed rule would revise how NMFS determines the amount of limited access privileges held and used by groups in the Western Alaska Community Development Quota Program (CDQ Program) for the purposes of managing the excessive share limits under the AFA Program and the CR Program. This proposed rule is necessary to align regulations and the Crab FMP to be consistent with an amendment to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and NMFS' current method of managing excessive share limits for CDQ groups in the AFA Program and the CR Program. This proposed rule is intended to promote the goals and objectives of the Magnuson-Stevens Act, the Crab FMP, and other applicable law.

DATES: Submit comments on or before September 21, 2017.

ADDRESSES: Submit comments, identified by docket number NOAA–NMFS–2017–0038, by either of the following methods:

- *Federal e-Rulemaking Portal:* Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0038,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period may not be considered by NMFS. All comments received are a part of the public record and will be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), 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).

Electronic copies of Amendment 48 to the Crab FMP, the Regulatory Impact Review (RIR), and the Categorical Exclusion prepared for this proposed action are available from *http://www.regulations.gov* or from the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov.*

The CR Program Environmental Impact Statement (EIS), RIR, and Final Regulatory Flexibility Analysis, as well as the AFA Program EIS and RIR, are available from the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Keeley Kent, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Authority for Action

NMFS manages the pollock fisheries in the exclusive economic zone (EEZ) off Alaska under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP). NMFS manages the king and Tanner crab fisheries in the U.S. EEZ of the Bering Sea and Aleutian Islands (BSAI) under the Crab FMP. The North Pacific Fishery Management Council (Council) prepared, and NMFS approved, the BSAI FMP and the Crab FMP under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.* Regulations governing and implementing the BSAI FMP appear at 50 CFR parts 600 and 679. Regulations governing and implementing the Crab FMP appear at 50 CFR parts 600 and 680.

A notice of availability for Amendment 48 to the Crab FMP was published in the **Federal Register** on August 3, 2017. Comment on Amendment 48 is invited through October 2, 2017. All relevant written comments received by the end of the comment period, whether specifically directed to the FMP amendment, this proposed rule, or both, will be considered in the approval/disapproval decision for Amendment 48 and addressed in the response to comments in the final rule.

Background

This proposed rule would modify regulations that specify how NMFS determines holding and use of limited access privileges (LAPs) for the purposes of managing excessive share limits for CDQ groups under the AFA Program and the CR Program. The Magnuson-Stevens Act requires NMFS to establish excessive share limits to prevent excessive consolidation of harvesting and processing LAPs in order to maintain an appropriate distribution of economic and social benefits for fishery participants and communities. NMFS has adopted regulations under its LAP programs to ensure that no person holds or uses more LAPs than authorized under excessive share limits established for each LAP program. Section 305(i) of the Magnuson-Stevens Act describes the Western Alaska Community Development Quota Program (CDQ Program) (16 U.S.C. 1855(i)). Regulations at 50 CFR 679.2 define the term ''CDQ group'' as an entity identified as eligible for the CDQ Program under 16 U.S.C. 1855(i)(1)(D).

This proposed rule would revise the regulations that prescribe the calculation of excessive share limits for CDQ groups for two LAP programs: The AFA Program and the CR Program. CDQ groups participate in LAP programs, including the AFA and the CR Program, by purchasing harvesting and processing privileges and through ownership of vessels and processors that participate in these fisheries. The Magnuson-Stevens Act was amended by the Coast Guard and Maritime Transportation Act of 2006 (Pub. L. 109–241; the Coast Guard Act) to specify the method that NMFS must use for monitoring excessive share limits as they apply to CDQ groups—the proportional or ''individual and collective'' rule. Section 305(i)(1)(F)(i) of the Magnuson-Stevens Act, as amended by the Coast Guard Act, provides that CDQ groups shall be subject to any excessive share ownership, harvesting, or processing limitations in the fisheries of the Bering Sea and Aleutian Islands Management Area only to the extent of the CDQ group's proportional ownership (16 U.S.C. 1855(i)(1)(F)(i)).

NMFS has implemented in practice the method specified in the 2006 amendment to the Magnuson-Stevens Act for CDQ groups to monitor excessive share limits in the AFA Program and the CR Program; however, the regulations for the AFA Program and the CR Program and the Crab FMP have not been revised to be consistent with the 2006 amendment to the Magnuson-Stevens Act.

The following sections describe (1) excessive share limits, which are also called holding and use caps, (2) AFA Program use caps, (3) CR Program holding and use caps, (4) CDQ Program holding and use caps, and (5) this proposed rule and the anticipated effects of the action.

Excessive Share Limits

Section 301(a)(4) of the Magnuson-Stevens Act specifies that if conservation and management measures allocate or assign fishing privileges, the measures must be carried out so that no particular individual, corporation, or other entity acquires an excessive share of such privileges (16 U.S.C. 1851(a)(4)). Section 303A(c)(5)(D) of the Magnuson-Stevens Act requires regional fishery management councils to establish excessive share limits for LAP programs to prevent excessive accumulation of privileges by participants in the LAP programs (16 U.S.C. 1853a(c)(5)(D)). The intent of these limits or caps is to prevent excessive consolidation in the harvesting and processing sectors in order to maintain an appropriate distribution of economic and social benefits for fishery participants and communities. Because determination of excessive shares must consider the specific circumstances of each fishery, the Council has implemented different excessive share limits in the LAP programs in Alaska's fisheries, including the AFA and CR Programs.

NMFS implemented use caps for the AFA Program in 2002 (67 FR 79692; December 30, 2002) and holding and use caps for the CR Program in 2005 (70 FR 10174; March 2, 2005). The regulations prohibit a person from using more than the harvesting and processing limits established in the AFA Program and from holding and using more than a specific portion of the LAPs allocated under the CR Program. Under 50 CFR 679.2, ''person'' includes individuals, corporations, partnerships, associations, and other non-individual entities. To monitor holdings and use of LAPs, NMFS determines what portion of a program's harvesting and processing privileges a person holds and uses to ensure that no person holds or uses more privileges than authorized by the applicable excessive share cap.

NMFS determines a person's holding and use of a LAP in the AFA Program and CR Program by summing (1) the amount directly held and used by that person, and (2) the amount held and used by that person indirectly through an ownership interest in or control of another entity that also holds and uses the LAP. Businesses that hold and use LAPs in the AFA Program and the CR Program are often composed of multiple owners that have ownership interests in multiple fishing businesses. In cases where a LAP is held by a business entity with more than one owner, NMFS applies the holding and use caps to each entity that holds or controls the LAP to monitor whether those entities each exceed the established caps. Ownership attribution refers to the method NMFS uses to assess the relationships between different entities that participate in LAP programs.

NMFS uses two ownership attribution methods to determine holdings and use of LAPs. These two methods for attributing ownership and use of a LAP are commonly known as the ''individual and collective rule'' and the ''10-percent rule.'' Under the individual and collective rule, NMFS attributes holding and use of LAPs by one person proportionally to their ownership in or control of another entity that holds and uses LAPs. For example, if Company A has a 15 percent ownership of Company B that holds LAPs, Company A would be attributed 15 percent of Company B's holding and use of the LAPs. In contrast, under the 10-percent rule, a person is attributed 100 percent of an entity's LAPs if that person owns or otherwise controls ten percent or more of that entity. Thus, if Company A holds or controls 10 percent or more of Company B, then 100 percent of Company B's holdings and use of LAPs are attributed to Company A. When a person owns or controls 10 percent or more of another entity, the individual and collective rule is less restrictive than the 10-percent rule because a person is only attributed holding and use in proportion to how much that person owns or controls of other entities, rather than attributing 100 percent of the other entity's LAP holdings once the 10-percent ownership or control threshold is met. Thus, under a holding and use cap, the individual and collective rule would allow a person to hold and use more LAPs than if the person was evaluated using the 10-percent rule.

AFA Program Use Caps

Congress passed the AFA in October 1998 to implement additional U.S. ownership requirements for vessels harvesting fish from the EEZ. The purpose of the AFA was to tighten U.S. ownership standards that had been exploited under the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 (Pub. L. 100–239) and to provide the BSAI pollock fleet the opportunity to conduct their fishery in a more rational manner (*i.e.,* stopping the race for fish) while protecting non-AFA participants in the other fisheries. The AFA established sector allocations in the BSAI pollock fishery, determined eligible vessels and processors, allowed for the formation of cooperatives, set limits on the participation of AFA vessels in other fisheries, and imposed special catch weighing and monitoring requirements on AFA vessels. The AFA also divided the available BSAI pollock directed fishing allowance among three harvesting sectors, after CDQ allocations and an amount for incidental catch of pollock by non-AFA vessels were deducted.

Section 210(e) of the AFA set out excessive harvesting and processing limits for participants. Section 210(e)(1) of the AFA restricts an individual, corporation, or other entity to harvesting no more than 17.5 percent of the pollock available to be harvested in the directed pollock fishery. This limit is codified at 50 CFR 679.20(a)(5)(i)(A)(*6*). Every year, this limit is published in the annual harvest specifications (82 FR 11826; February 27, 2017).

Section 210(e)(2) of the AFA directed the Council to create management measures to prevent any particular individual or entity from processing an excessive share of pollock available in the directed pollock fishery. The Council and NMFS set this limit at 30 percent of the sum of the directed fishing allowances for pollock. This limit is codified at 50 CFR 679.20(a)(5)(i)(A)(*7*). Every year, this limit is published in the annual harvest specifications (82 FR 11826; February 27, 2017).

Section 210(e)(3) of the AFA also specified that any entity in which 10 percent or more of the interest is held or controlled by another individual or entity shall be considered to be the same entity as the other individual or entity for purposes of monitoring the harvesting and processing use caps. This section of the AFA directed NMFS to use the 10-percent rule to determine the use of AFA Program harvesting and processing privileges. NMFS implemented this AFA requirement in part by defining an ''AFA entity'' at 50 CFR 679.2 as a group of affiliated individuals, corporations, or other business concerns that harvest or process pollock in the Bering Sea directed pollock fishery. The proposed rule to implement the AFA Program stated that the concept of ''affiliation'' is central to the definition of ''AFA entity'' (66 FR 65028, 65049; December 17, 2001). As the December 2001 proposed rule explained, ''affiliation'' means a relationship between two or more individuals, corporations, or other business concerns in which one concern directly or indirectly owns a 10 percent or greater interest in the other, exerts 10 percent or greater control over the other, or has the power to exert 10 percent or greater control over the other; or a third individual, corporation, or other business concern directly or indirectly owns a 10 percent or greater interest in both, exerts 10 percent or greater control over both, or has the power to exert 10 percent or greater control over both (see regulations at § 679.2 for the definition of ''affiliation'' and Section 2.6.3 of the RIR for more information).

CR Program Use Caps

The CR Program was implemented on April 1, 2005 (70 FR 10174; March 2, 2005). The CR Program established a LAP program for nine crab fisheries in the BSAI and assigned quota share (QS) to persons based on their historic participation in one or more of those nine BSAI crab fisheries during a specific period. Each year, a person who holds QS may receive an exclusive harvest privilege for a portion of the annual total allowable catch (TAC). This annual exclusive harvest privilege is called individual fishing quota (IFQ).

NMFS also issued processor quota share (PQS) under the CR Program. Each year, PQS yields an exclusive privilege to process a portion of the IFQ in each of the nine BSAI crab fisheries. This annual exclusive processing privilege is called individual processor quota (IPQ). Only a portion of the QS issued yields IFQ that is required to be delivered to a processor with IPQ. Each year there is a one-to-one match of the total pounds of IFQ that must be delivered to a processor with IPQ with the total pounds of IPQ issued in each crab fishery.

When the Council recommended the CR Program, it expressed concern about the potential for excessive consolidation of QS and PQS, in which too few persons control all of the QS or PQS and the resulting annual IFQ and IPQ. The Council determined that excessive consolidation could have adverse effects on crab markets, price setting negotiations between harvesters and processors, employment opportunities for harvesting and processing crew, tax revenue to communities in which crab are landed, and other factors considered and described in the CR Program EIS. To address this concern, the CR Program includes limits on the amount of QS and PQS that a person can hold and the amount of IFQ and IPQ that a person can use.

The CR Program has QS and IFQ holding and use caps that vary by fishery because of different fleet characteristics and differences in historical dependency of participants on different crab fisheries. 50 CFR 680.42(a)(2) specifies that NMFS uses the individual and collective rule to apply holding and use caps for QS and IFQ for all CR Program participants, including CDQ groups, as recommended by the Council for monitoring harvesting privileges (see Section 2.7 of the RIR for more information).

For processing privileges, the CR Program limits a person to holding no more than 30 percent of the PQS initially issued in the fishery, and to using no more than the amount of IPQ resulting from 30 percent of the PQS initially issued in a given fishery, with a limited exemption for persons receiving more than 30 percent of the initially-issued PQS (50 CFR 680.42(b)). 50 CFR 680.42(b)(3) specifies that NMFS uses the 10-percent rule to monitor holding and use caps for PQS and IPQ for all CR Program participants as recommended by the Council and addressed in the preamble to the proposed rule for the CR Program (69 FR 63200, 63219 & 63226; October 29, 2004).

Use Caps for CDQ Groups

The CDQ Program was established by the Council and NMFS in 1992, and in 1996, authorization for the Program was incorporated into the Magnuson-Stevens Act. The purpose of the CDQ Program is (1) to provide eligible western Alaska villages with the opportunity to participate and invest in fisheries in the BSAI, (2) to support economic development in western Alaska, (3) to alleviate poverty and provide economic and social benefits for residents of western Alaska, and (4) to achieve sustainable and diversified local economies in western Alaska (16 U.S.C. 1855(i)(1)(A)).

Section 305(i) of the Magnuson-Stevens Act describes the CDQ Program and identifies the villages eligible to participate in the CDQ Program through the six entities specified in Section 305(i)(1)(D) as the CDQ groups (16 U.S.C. 1855(i)). Regulations at 50 CFR 679.2 define the term ''CDQ group'' as an entity identified as eligible for the CDQ Program under 16 U.S.C. 1855(i)(1)(D). The CDQ Program consists of six different non-profit managing organizations (CDQ groups) representing different geographical regions in Alaska. The CDQ Program receives annual allocations of TACs for a variety of commercially valuable species in the BSAI groundfish, crab, and halibut fisheries, which are in turn allocated among the CDQ groups (see Section 2.8 of the RIR).

The Secretary of Commerce approved regulations establishing the CDQ Program pollock allocation (57 FR 54936; November 23, 1992). When the AFA Program was implemented, the CDQ Program received an allocation of 10 percent of the Bering Sea pollock TAC (67 FR 79692, 79696; December 30, 2002). CDQ groups participate in the AFA Program primarily through ownership (wholly or partially) in vessels authorized to fish for Bering Sea pollock under the AFA. Vessel ownership varies by CDQ group (see Section 2.8.1 of the RIR). When the CR Program was implemented in 2005, the CDQ Program received an allocation of 10 percent of the TACs for some CR Program fisheries (70 FR 10174, 10176–77; March 2, 2005). In addition to the CDQ allocations, the CDQ groups hold QS and PQS directly as well as indirectly through ownership in other entities that hold QS and PQS (see Section 2.8.3 of the RIR).

Need for This Proposed Rule

In 2006, Congress passed the Coast Guard Act (Pub. L. 109–241), which amended the CDQ Program to give CDQ groups and their communities greater autonomy based on recommendations from the State of Alaska's Blue Ribbon Panel. Section 416(a) of the Coast Guard Act revised section 305(i) of the Magnuson-Stevens Act and made significant changes to the management and oversight of the CDQ Program. The amendments to section 305(i) of the Magnuson-Stevens Act were intended to promote the ability of CDQ groups to responsibly manage their allocations similar to the LAPs provided by NMFS to most other participants in the BSAI fisheries, while promoting the goals of the CDQ Program (see Section 2.8 of the RIR).

The Coast Guard Act also revised section 305(i)(1)(F)(i) of the Magnuson-Stevens Act to specify that CDQ groups would be subject to excessive share ownership, harvesting, and processing limitations proportional to their ownership of entities holding such privileges (*i.e.,* holdings and use of LAPs by CDQ groups are to be determined by the ''individual and collective rule'') (16 U.S.C. 1855(i)(1)(F)(i)). This requires NMFS to use the individual and collective rule to determine holding and use of harvesting and processing privileges for CDQ groups under all LAP programs in the BSAI. After the 2006 amendment to the Magnuson-Stevens Act, NMFS reviewed its methods for determining holding and use of harvesting and processing privileges in all LAP programs in the BSAI and determined that modifications were required for the methods used to determine CDQ group holdings and use for (1) harvesting and processing privileges under the AFA and (2) PQS and IPQ under the CR Program. These modifications were required because the regulations implementing these programs specified that NMFS would use the 10-percent rule to determine holding and use of these harvesting and processing privileges for CDQ groups.

This Proposed Rule and Its Anticipated Effects

This proposed rule would revise 50 CFR 679.2, 679.7(k)(6) and (7), 680.2, and 680.42(b).

This proposed rule would revise the AFA Program to specify that NMFS uses the individual and collective rule for CDQ groups to attribute harvesting and processing privileges of AFA pollock proportionally to the CDQ groups' ownership of vessels and processors active in those fisheries. For example, if a CDQ group holds 15 percent ownership of an entity that holds and uses AFA harvesting and processing privileges, this proposed rule would specify that the CDQ group is attributed 15 percent of the harvest or processing privileges of that company for purposes of monitoring excessive harvesting and processing use caps under the AFA.

The proposed rule would also implement Amendment 48 to the Crab FMP and revise the CR Program to specify that NMFS uses the individual and collective rule for CDQ groups to attribute holding and use of PQS and IPQ based on the CDQ groups' proportional ownership of entities that hold and use PQS and IPQ. For example, if a CDQ group holds 15 percent ownership of a company that holds or uses PQS or IPQ, this proposed rule would specify that the CDQ group is attributed 15 percent of the holding or use of that PQS or IPQ. The proposed rule would not alter the regulations for the QS and IFQ holding and use caps under the CR Program because current CR Program regulations specify that NMFS uses the individual and collective rule for all program participants, including CDQ groups, to attribute any participants' holding and use of QS and IFQ based on their proportional ownership of entities that hold and use QS and IFQ.

NMFS has used the individual and collective rule for CDQ group ownership attribution for both the AFA Program and the CR Program since enactment of the Coast Guard Act; however, the regulations and the Crab FMP have not been updated to reflect this change. This proposed rule would update the regulations and the Crab FMP to be consistent with NMFS' current method of ownership attribution for CDQ groups and the Magnuson-Stevens Act. This proposed rule would benefit CDQ groups and the public by clarifying the method NMFS uses to attribute holding and use of harvesting and processing privileges by CDQ groups for purposes of monitoring holding and use caps for the AFA and CR Programs.

Classification

Pursuant to sections 304(b)(1)(A) and 305(d) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with Amendment 48, the Crab FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration of comments received during the public comment period.

This proposed rule has been determined to be not significant for the purposes of Executive Order 12866. The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. NMFS requests comments on the decision to certify this proposed rule. The factual basis for this determination is as follows:

This proposed action would revise regulations and the Crab FMP so that they are consistent with the ownership attribution method mandated by the Magnuson-Stevens Act for CDQ groups for monitoring limitations on the holding and use of harvesting and processing privileges in the AFA and CR Programs.

The CDQ groups would be the directly regulated entities under the proposed regulatory revisions. All six of the CDQ groups are non-profit corporations and are considered small entities under the Regulatory Flexibility Act. As NMFS, one of the agencies that manages these holding and use limitations, has already implemented these provisions of the Magnuson-Stevens Act in practice, this proposed action is not expected to materially change how any small entities are regulated, nor is the proposed action expected to impose significant compliance costs or materially change how any small entities comply with the applicable regulations. Rather, this proposed rule would benefit CDQ groups and the public by clarifying the method NMFS uses to attribute holding and use of harvesting and processing privileges by CDQ groups for purposes of monitoring holding and use caps for the AFA and CR Programs. This proposed action therefore is not expected to have a significant economic impact on a substantial number of the small entities regulated by this proposed action—the CDQ groups. As a result, an initial regulatory flexibility analysis is not required, and none has been prepared.

The economic analysis contained in the RIR for this action (see **ADDRESSES**) further describes the regulatory and operational characteristics of the CDQ Program, including the participation of CDQ groups in the AFA Program and the CR Program, the history of this action, and the details of the alternatives considered for this action, including the preferred alternative.

Recordkeeping and Reporting Requirements

This rule references collection-of-information requirements subject to the Paperwork Reduction Act (PRA), which

have been approved by the Office of Management and Budget (OMB) under OMB Control Number 0648–0514. The annual application for a crab IFQ permit and the application for a crab IPQ permit are mentioned in this rule; however, there are no changes to these forms or to who is required to submit the forms for this proposed rule, and therefore there would be no change in burden or cost.

Send comments on these or any other aspects of the collection of information, to NMFS (see **ADDRESSES**), and by email to *OIRA_Submission@omb.eop.gov* or fax to 202–395–5806.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to penalty for failure to comply with, a collection of information subject to the requirement of the PRA, unless that collection of information displays a currently valid OMB control number. All currently approved NOAA collections of information may be viewed at: *http://www.cio.noaa.gov/services_programs/prasubs.html.*

Federal Rules That May Duplicate, Overlap, or Conflict With This Proposed Rule

No relevant Federal rules have been identified that would duplicate, overlap, or conflict with this proposed rule.

List of Subjects

50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

50 CFR Part 680

Alaska, Reporting and recordkeeping requirements.

Dated: August 15, 2017.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 679 and part 680 as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.;* 1801 *et seq.;* 3631 *et seq.;* Pub. L. 108–447; Pub. L. 111–281.

■ 2. In § 679.2, revise the definitions for ''AFA entity'' and ''Affiliation for the purpose of defining AFA and the Rockfish Program'' to read as follows:

§ 679.2 Definitions.

* * * * *

AFA entity means a group of affiliated individuals, corporations, or other business concerns, except for a CDQ group, that harvests or processes pollock in the BS directed pollock fishery.

* * * * *

Affiliation for the purpose of defining AFA and the Rockfish Program means a relationship between two or more individuals, corporations, or other business concerns, except CDQ groups, in which one concern directly or indirectly owns a 10 percent or greater interest in another, exerts control over another, or has the power to exert control over another; or a third individual, corporation, or other business concern directly or indirectly owns a 10 percent or greater interest in both, exerts control over both, or has the power to exert control over both.

* * * * *

■ 3. In § 679.7 revise paragraphs (k)(6) and (k)(7) to read as follows:

§ 679.7 Prohibitions.

* * * * *

(k) * * *

(6) *Excessive harvesting shares.* It is unlawful for an AFA entity or a CDQ group to harvest, through a fishery cooperative or otherwise, an amount of BS pollock that exceeds the 17.5 percent excessive share limit specified under § 679.20(a)(5)(i)(A)(*6*). A CDQ group's harvest of BS pollock will be calculated through its proportional ownership of individuals, corporations, or other business concerns that harvest BS pollock. The owners and operators of the individual vessels comprising the AFA entity or CDQ group that harvest BS pollock will be held jointly and severally liable for exceeding the excessive harvesting share limit.

(7) *Excessive processing shares.* It is unlawful for an AFA entity or a CDQ group to process an amount of BS pollock that exceeds the 30-percent excessive share limit specified under § 679.20(a)(5)(i)(A)(*7*). The amount of BS pollock processed by a CDQ group will be calculated through its proportional ownership of individuals, corporations, or other business concerns that process BS pollock. The owners and operators of the individual processors comprising the AFA entity or CDQ group that process BS pollock will be held jointly and severally liable for exceeding the excessive processing share limit.

* * * * *

PART 680—SHELLFISH FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 4. The authority citation for 50 CFR part 680 continues to read as follows:

Authority: 16 U.S.C. 1862; Pub. L. 109–241; Pub. L. 109–479.

■ 5. In § 680.2, revise the introductory text to the definition for ''Affiliation'' and the introductory text of paragraph (1) of the definition for ''Affiliation'' to read as follows:

§ 680.2 Definitions.

* * * * *

Affiliation means a relationship between two or more entities, except for CDQ groups, in which one directly or indirectly owns or controls a 10 percent or greater interest in, or otherwise controls, another, or a third entity directly or indirectly owns or controls a 10 percent or greater interest in, or otherwise controls, both. For the purpose of this definition, the following terms are further defined:

(1) *Entity.* An entity may be an individual, corporation, association, partnership, joint-stock company, trust, or any other type of legal entity, except for a CDQ group, any receiver, trustee in bankruptcy or similar official or liquidating agent, or any organized group of persons whether incorporated or not, that holds direct or indirect interest in:

* * * * *

■ 6. In § 680.42, revise paragraphs (b)(3)(ii), (b)(3)(iii), and (b)(3)(iv) to read as follows:

§ 680.42 Limitations on use of QS, PQS, IFQ, and IPQ.

* * * * *

(b) * * *

(3) * * *

(ii) Is not a CDQ group and directly or indirectly owns a 10 percent or greater interest in an entity that holds PQS.

(iii) A person that is not a CDQ group and holds PQS is limited to a PQS use cap that is calculated based on the sum of all PQS held by that PQS holder and all PQS held by any affiliate of the PQS holder. A CDQ group that holds PQS is limited to a PQS use cap that is calculated based on the sum of all PQS held, individually or collectively, by that CDQ group.

(iv) A person that is not a CDQ group and holds IPQ is limited to an IPQ use cap that is calculated based on the sum of all IPQ held by that IPQ holder and all IPQ held by any affiliate of the IPQ holder. A CDQ group that holds IPQ is limited to an IPQ use cap that is calculated based on the sum of all IPQ held, individually or collectively, by that CDQ group.

* * * * *

[FR Doc. 2017–17607 Filed 8–21–17; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 82, No. 161

Tuesday, August 22, 2017

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

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Meeting of the Board for International Food and Agricultural Development

Pursuant to the Federal Advisory Committee Act, notice is hereby given of the public meeting of the Board for International Food and Agricultural Development (BIFAD). The meeting will be held from 8:00 a.m. to 5:00 p.m. EDT on Tuesday, September 12, 2017, at the National Press Club, 529 14th St. NW., 13th Floor, Washington, DC 20045, or online at *http://www.aplu.org/projects-and-initiatives/international-programs/bifad/bifad-meetings.html.*

This public meeting, *Global Food Security Research Strategy: From Upstream Research to Development Impact,* will be co-hosted with the Feed the Future Innovation Labs. The purpose of the meeting will be to launch the new Global Food Security Research Strategy and to highlight the contributions, collaborations, and synergies among the U.S. Government interagency, universities, international agricultural research centers, and private sector on food security research for development. The meeting will include panels on Cutting Edge Science for Development, Practical Applications of Research Results, Applying Research to Emerging Threats, Opportunities for More Intentional USG Intentional Interagency Alignment and Complementarity, and Opportunities for Leveraging Private Sector Innovation. A public comment period is scheduled from 4:00 to 4:30 EDT.

Those wishing to participate in the meeting in person should arrive early as seating is limited. More information, including a detailed agenda, can be found on the BIFAD landing page at *http://www.aplu.org/projects-and-initiatives/international-programs/bifad/bifad-meetings.html.*

To obtain additional information about this public meeting or BIFAD, interested parties should contact Clara Cohen, Designated Federal Officer for BIFAD in the Bureau for Food Security at USAID. Interested persons may write to her in care of the U.S. Agency for International Development, Ronald Reagan Building, Bureau for Food Security, 1300 Pennsylvania Avenue NW., Washington, DC 20523–2110 or telephone her at (202) 712–0119.

Clara Cohen,

USAID Designated Federal Officer for BIFAD, Bureau for Food Security, U.S. Agency for International Development.

[FR Doc. 2017–17712 Filed 8–21–17; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

August 17, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by September 21, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725—17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Office of the Assistant Secretary for Civil Rights

Title: USDA Race, Ethnicity and Gender Data Collection.

OMB Control Number: 0503–0019.

Summary of Collection: Section 14006 and 14007 of the Food, Conservation, and Energy Act of 2008, 7 U.S.C. 8701 (referred to as the 2008 Farm Bill) establishes a requirement for the Department of Agriculture (USDA) to annually compile application and participation rate data regarding socially disadvantaged farmers or ranchers by computing for each program of the USDA that serves agriculture producers and landowners (a) raw numbers of applicants and participants by race, ethnicity, and gender, subject to appropriate privacy protection, as determined by the Secretary; and (b) the application and participation rate, by race, ethnicity and gender as a percentage of the total participation rate of all agricultural producers and landowners for each county and State in the United States.

Need and Use of the Information: Data will be collected on a voluntary basis through a questionnaire to determine the race, ethnicity and gender of farmers and ranchers who apply for and who participate in USDA programs and services. The data will enable the Secretary and the Office of the Assistant Secretary for Civil Rights and the agencies' outreach offices in reaching current and prospective socially disadvantaged farmers or ranchers in a linguistically appropriate manner to focus resources in a particular county or region where low participation is indicated by the data to improve the participation of those farmers and ranchers in USDA programs. The data is

intended to be used as one indicator in targeting and designing outreach activities and in assessing compliance with civil rights laws in program delivery. The data may also be used as an indicator in directing compliance reviews to geographic areas where there are indications of low participation in USDA programs by minorities and women, thus serving as an ''early warning system'' that warrants further investigations. Failure to collect this information will have a negative impact on USDA's outreach activities and could result in an inability of the agencies to equitably deliver programs and services to applicant and producers.

Description of Respondents: Individuals or households.

Number of Respondents: 3,200,000.

Frequency of Responses: Reporting: Other (once).

Total Burden Hours: 106,667.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–17692 Filed 8–21–17; 8:45 am]

BILLING CODE 3410–9R–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Summer Meals Study

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This collection is a new collection. The purpose of the Summer Meals Study is for the Food and Nutrition Service to understand the facilitators and barriers to program implementation, perceived benefits and challenges for sponsor and site participation, nutritional quality of meals served, parental awareness, factors influencing child participation, and experience with the Summer Food Service Program and the National School Lunch Program's Seamless Summer Option.

DATES: Written comments must be received on or before October 23, 2017.

ADDRESSES: Comments may be sent to: Alice Ann Gola, Office of Policy Support, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 1014, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Alice Ann Gola at 703–305–2576 or via email to *AliceAnn.Gola@fns.usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov* and follow the online instructions for submitting comments electronically.

All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m. Monday through Friday) at 3101 Park Center Drive, Alexandria, Virginia 22302.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collected should be directed to Alice Ann Gola at 703–305–4347 or *aliceann.gola@fns.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Summer Meals Study.

Form Number: Not applicable.

OMB Number: 0584–NEW.

Expiration Date: Not Yet Determined.

Type of Request: New collection.

Abstract: The Federally-funded Summer Food Service Program (SFSP) and the National School Lunch Program's Seamless Summer Option (SSO) provide healthy meals and snacks to children through 18 years of age, in low-income areas during summer months when school is not in session. Open summer sites provide free meals to children in geographical areas where at least 50 percent of children are eligible for free or reduced price school meals (*i.e.,* at or below 185 percent of the Federal poverty level). Closed enrolled summer sites provide free meals to children enrolled in an activity program where at least half of the children are individually determined eligible for free or reduced price meals. Open and enrolled sites, as well as sites that predominantly serve children of migrant workers, receive reimbursement from the United States Department of Agriculture (USDA) for the meals they serve to all children in attendance. The reimbursement rates vary depending on the type of meal served (*i.e.,* breakfast, lunch, supper, or snack) and whether the site is operating SFSP or SSO. The SFSP and SSO sites operate at State, Local or Tribal locations such as public and private nonprofit schools, local government agencies, business organizations such as youth sports programs, churches, and food pantries. In July 2016, 5,525 sponsors managed 48,618 sites and served 3.85 million summer meals to participating children.[1] However, summer meals reach only a small percent of the children receiving free or reduced price meals during the school year. This study will help identify strategies to increase participation in summer meals as well as assess the nutritional quality of the meals served to children. Legislation requires those programs participating in the SFSP or SSO to cooperate with program research and evaluation (Section 305 of the Healthy Hunger Free Kids Act).

The six study objectives are: (1) Identify reasons children and their caregivers participate in summer meals and their satisfaction levels with the program; (2) Assess how characteristics differ between participants and eligible nonparticipants of SFSP and SSO; (3) Determine the reasons eligible families do not participate in SFSP and SSO; (4) Determine the food service characteristics of SFSP and SSO sites; (5) Describe the characteristics and content of SFSP and SSO meals and snacks; and (6) Assess facilitators and barriers to preparing and serving SFSP and SSO meals and snacks.

A nationally representative study with a mixed-methods research design will be used to address the six study objectives. States will be selected for the study using FNS administrative data on SFSP and SSO program size. In the selected States, State agencies administering SFSP and SSO will provide lists of participating sites and sponsors from which the sample of sites will be drawn. State agencies administering the Supplemental Nutrition Assistance Program (SNAP) in these States will provide SNAP caseload data. These data will be used in conjunction with postal data to identify children in the catchment areas of sampled sites. Quantitative and qualitative data will be collected from SFSP and SSO sponsors and sites, former sponsors, and participants and eligible nonparticipants.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden on the proposed collection of information,

[1] The USDA FNS National Data Bank provides a single official repository to support the analysis and public release of FNS program information through the Food Programs Reporting System (FPRS) OMB Control No. 0584–0594 Expiration 6/2019, data from various FNS programs are extracted and imported into the NDB database. This number includes meals served through both SFSP and SSO.

including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Affected Public: Respondent groups identified include: (1) Individuals/Households (preschool- and school-aged children and teens eligible for participation in summer meals and their caregivers); (2) State/Local Government (SFSP and SSO State agencies, SNAP State agencies, and SFSP and SSO sponsors, former sponsors, and sites); and (3) Businesses-for-not-for-Profit (SFSP sponsors, former sponsors, and sites).

Estimated Number of Respondents: 88, 222.48. Out of the 88,222 sample size initially contacted, FNS anticipates approximately 44,340.59 will respond and 43,881 will not respond during the initial contact. FNS will continue to re-contact non-respondents to reach the desired participation rates. This includes: 85,575 individuals and households, 59 State, Local or Tribal agencies; 1,108 sponsors (665 in the State/Local Government category and 443 in the Business category); and1,480 site supervisors (888 in the State/Local Government category and 592 in the Business category).

Estimated Number of Responses per Respondent: 3.67. SFSP and SSO State agencies will be asked to provide lists of participating sites/sponsors twice: Once to draw the initial sample (based on sites and sponsors participating in the Summer of 2017), and then again to finalize the sample to include sites and sponsors participating in the Summer of 2018. SNAP State agencies will be asked to provide caseload data once. Caregivers and their children will be asked to respond to one survey, and a subset of caregivers will be invited to participate in a follow-up key informant interview. Sponsors and site supervisors will respond to one survey, and a subset will be invited to participate in a follow-up telephone interview. Those sponsors and site supervisors responsible for menu planning for the sampled site will also be asked to respond to a menu planning survey, and to provide details on the meals from one week of menus. Some of these sponsors and sites will receive a follow-up menu report to fill in details missing from their original submission of menu information. Former sponsors will be asked to respond to one telephone interview.

Estimated Total Annual Responses: 323,788. There are approximately 169.470.33 total annual responses from participants and approximately 154,307.74 non-responses for those we contacted. Some non-participants were re-contacted more than once.

Estimated Average Time per Response: 0.6875. The estimated time of response varies from 1 minute to 60 minutes depending on the respondent group, as shown in the table below; the average estimated response is 0.13 hours.

Estimated Total Annual Burden on Respondents: 22,262. The total public reporting burden for this collection of information is estimated at 22,261.68 rounded up to 22,262 burden hours and 323,778 total annual responses. Out of the 22,262 burden hours 18,924 are for respondents and 3337.67 burden hours are for non-respondents. See the table below for estimated total annual burden for each type of respondent.

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Respondent Type	Type of Survey Instrument	Sample size	Number of Respondents	Frequency of Response (annual)	Total Annual Responses	Average Hours per Response	Sub-Total Annual Burden	Number of non - respondents	Frequency of Response (annual)	Total Annual Responses	Average Hours per response	Sub-Total Annual Burden	Total Burden Hours
State SNAP Director Agency Directors	Email requesting SNAP administrative data (a) (2 min)	24	24	1.0	24	0.0334	0.80	0	1.0	0	0.0167	0.0000	0.80
	Reminder email requesting SNAP administrative data (b) (2 min)	12	12	1.0	12	0.0334	0.40	0	1.0	0	0.0167	0.0000	0.40
	Submit SNAP administrative data (a) (1 hour)	24	20	1.0	20	1.0000	20.00	4	1.0	4	0.0167	0.0668	20.07
	Thank you email upon receipt of SNAP administrative data (d) (1 min)	20	20	1.0	20	0.0167	0.33	0	1.0	0	0.0167	0.0000	0.33
State CN SFSP and SSO Agency Directors	Email requesting SFSP and SSO Site and Sponsor list (a) (2 min)	35	35	2.0	70	0.0334	2.34	0	2.0	0	0.0167	0.0000	2.34
	Reminder email requesting SFSP and SSO Site and Sponsor list (b) (2 min)	18	18	2.0	35	0.0334	1.17	0	2.0	0	0.0167	0.0000	1.17
	Submit SFSP and SSO Site and Sponsor list (a) (30 minutes)	35	35	2.0	70	0.5000	35.00	0	2.0	0	0.0167	0.0000	35.00
	Thank you email upon receipt of SFSP and SSO Site and Sponsor list (a) (1 min)	35	35	2.0	70	0.0167	1.17	0	2.0	0	0.0167	0.0000	1.17
SUBTOTAL OF STATE SNAP DIRECTORS & CN DIRECTORS		**59**	**55**	**5.8**	**321**	**0.1907**	**61.21**	**4.00**		**4**	**0.0167**	**0.07**	**61.28**
CN SFSP and SSO Sponsors and Former sponsors	Email Sponsors to confirm 2018 operation of sampled sites (a) (5 min)	659	330	1.0	330	0.0835	27.52	329	1.0	329	0.0167	5.4943	33.02
	Reminder email to confirm 2018 operation of sampled sites (b) (5 min)	329	313	1.0	313	0.0835	26.10	17	1.0	17	0.0167	0.2839	26.38
	Telephone discussion: Study overview and onboarding Sponsors (c) (d) (1 hour)	422	380	1.0	380	1.0000	379.69	42	1.0	42	0.1670	7.0453	386.73
	Email Sponsors thank you for phone discussion and next steps (a) (1 min)	380	380	1.0	380	0.0167	6.34	0	1.0	0	0.0167	0.0000	6.34
	Email with link to surveys (1 min)	380	190	1.0	190	0.0167	3.17	190	1.0	190	0.0167	3.1704	6.34
	Reminder email with link to surveys (1 min)	190	180	1.0	180	0.0167	3.01	10	1.0	10	0.0167	0.1670	3.18
	Sponsor Survey	380	338	1.0	338	0.3340	112.73	42	1.0	42	0.0167	0.7045	113.43
	Email with link to Menu Planning Survey and Sampled week menu	190	95	1.0	95	0.0835	7.93	95	1.0	95	0.0167	1.5852	9.51
	Email requesting additional sampled week menu details	95	85	1.0	85	0.0835	7.13	10	1.0	10	0.0167	0.1670	7.30
	Reminder email to complete menu planning survey/sampled week	38	34	1.0	34	0.0167	0.57	4	1.0	4	0.0167	0.0634	0.63

	menu												
	Email with menu follow-up report	180	90	1.0	90	0.0835	7.53	90	1.0	90	0.0167	1.5059	9.04
	Email reminder requesting menu follow-up report	90	81	1.0	81	0.0167	1.36	9	1.0	9	1.0167	9.1682	10.52
	Menu planning survey	190	171	1.0	171	1.0000	170.86	19	1.0	19	2.0167	38.2858	209.15
	Sampled week menu details	190	171	1.0	171	0.5	85.43	19	1.0	19	3.0167	57.2702	142.70
	Menu follow-up report	171	171	1.0	171	0.5	85.43	0	1.0	0	4.0167	0.0000	85.43
	Email thank you note (1 min)	338	338	1.0	338	0.0167	5.64	0	1.0	0	5.0167	0.0000	5.64
	Email request for key informant interview (sponsors and former sponsors)	30	15	1.0	15	0.0501	0.75	15	1.0	15	0.0167	0.2505	1.00
	Reminder email request for key informant interview (sponsors and former sponsors)	15	14	1.0	14	0.0501	0.68	1	1.0	1	0.0167	0.0167	0.69
	Key informant interview (1 hour) (sponsors and former sponsors)	21	15	1.0	15	1.0000	14.70	6	1.0	6	0.0167	0.1052	14.81
	Email thank you note (1 min) (sponsors and former sponsors)	15	15	1.0	15	0.0167	0.25	0	1.0	0	0.0167	0.0000	0.25
SUBTOTAL OF CN SFSP and SSO SPONSORS AND FORMER SPONSORS		**665**	**336**	**10.1**	**3403**	**0.2782**	**946.80**	**329.59**	**2.7**	**898**	**0.1395**	**125.2835**	**1072.09**
CN SSO and SFSP Site Supervisors	Email Site supervisors: request for phone call to discuss study (a) (5 min)	879	439	1.0	439	0.0835	36.69	440	1.0	440	0.0167	7.3480	44.04
	Reminder email: request for phone call to discuss study (b) (1 min)	439	417	1.0	417	0.0167	6.97	22	1.0	22	0.0167	0.3669	7.34
	Telephone discussion: Study overview and onboarding Site Supervisors (c) (d) (1 hour)	563	534	1.0	534	1.0000	534.38	29	1.0	29	0.1670	4.8430	539.22
	Email sites thank you for phone discussion and next steps	534	534	1.0	534	0.0167	8.92	0	1.0	0	1.1670	0.0000	8.92
	Email with link to surveys (1 min)	534	267	1.0	267	0.0167	4.46	267	1.0	267	0.0167	4.4620	8.92
	Reminder email with link to surveys (1 min)	267	254	1.0	254	0.0167	4.24	13	1.0	13	0.0167	0.2231	4.46
	Site Supervisor Survey	534	454	1.0	454	0.3340	151.71	80	1.0	80	0.0167	1.3386	153.05
	Email with link to Menu Planning Survey and Sampled week menu	267	134	1.0	134	0.0835	11.16	133	1.0	133	0.0167	2.2211	13.38
	Email requesting additional sampled week menu details	134	107	1.0	107	0.0835	8.92	27	1.0	27	0.0167	0.4462	9.37
	Reminder email to complete menu planning survey/sampled week menu	53	48	1.0	48	0.0167	0.80	5	1.0	5	0.0167	0.0892	0.89
	Email with menu follow-up report	155	139	1.0	139	0.0835	11.65	16	1.0	16	0.0167	0.2672	11.91

	Email reminder requesting menu follow-up report	77	70	1.0	70	0.0167	1.16	7	1.0	7	1.0167	7.1169	8.28
	Menu planning survey	267	240	1.0	240	1.0000	240.47	27	1.0	27	2.0167	53.8837	294.35
	Sampled week menu details	267	240	1.0	240	0.5	120.23	27	1.0	27	3.0167	80.6025	200.84
	Menu follow-up report	240	216	1.0	216	0.5	108.21	24	1.0	24	4.0167	96.5891	204.80
	Email thank you note (1 min)	454	454	1.0	454	0.0167	7.59	0	1.0	0	5.0167	0.0000	7.59
	Email request for key informant interview	12	6	1.0	6	0.0501	0.30	6	1.0	6	0.0167	0.1002	0.40
	Reminder email request for key informant interview	6	5	1.0	5	0.0501	0.27	1	1.0	1	0.0167	0.0100	0.28
	Key informant interview	8	6	1.0	6	1	6.00	2	1.0	2	0.0167	0.0401	6.04
	Email thank you note (1 min)	6	6	1.0	6	0.0167	0.10	0	1.0	0	0.0167	0.0000	0.10
SUBTOTAL OF CN SFSP and SSO SITES		**888**	**534**	**8.6**	**4574**	**0.2764**	**1264.24**	**353.53**	**3.2**	**1126**	**0.2308**	**259.9479**	**1524.19**
		1612	**925**	**25**	**8298**	**0.2738**	**2272**	**687**	**6**	**2029**	**0.1899**	**385**	**2658**
CN SFSP Sponsors and Former sponsors	Email Sponsors to confirm 2018 operation of sampled sites (a) (5 min)	439	220	1.0	220	0.0835	18.35	219	1.0	219	0.0167	3.6573	22.00
	Reminder email to confirm 2018 operation of sampled sites (b) (5 min)	220	209	1.0	209	0.0835	17.43	11	1.0	11	0.0167	0.1835	17.61
	Telephone discussion: Study overview and onboarding Sponsors (c) (d) (1 hour)	281	253	1.0	253	1.0000	253.13	28	1.0	28	0.1670	4.6969	257.82
	Email Sponsors thank you for phone discussion and next steps (a) (1 min)	253	253	1.0	253	0.0167	4.23	0	1.0	0	0.1670	0.0000	4.23
	Email with link to surveys (1 min)	253	127	1.0	127	0.0167	2.11	126	1.0	126	0.0167	2.1042	4.22
	Reminder email with link to surveys (1 min)	127	120	1.0	120	0.0167	2.01	7	1.0	7	0.0167	0.1169	2.12
	Sponsor Survey	253	225	1.0	225	0.3340	75.15	28	1.0	28	0.0167	0.4697	75.62
	Email with link to Menu Planning Survey and Sampled week menu	127	63	1.0	63	0.0835	5.28	64	1.0	64	0.0167	1.0688	6.35
	Email requesting additional sampled week menu details	63	57	1.0	57	0.0835	4.76	6	1.0	6	0.0167	0.1057	4.86
	Reminder email to complete menu planning survey/sampled week menu	25	23	1.0	23	0.0167	0.38	2	1.0	2	0.0167	0.0334	0.41
	Email with menu follow-up report	120	60	1.0	60	0.0835	5.02	60	1.0	60	0.0167	1.0040	6.02
	Email reminder requesting menu follow-up report	60	54	1.0	54	0.0167	0.90	6	1.0	6	0.0167	0.1004	1.00
	Menu planning survey	127	114	1.0	114	1.0000	113.91	13	1.0	13	0.0167	0.2114	114.12
	Sampled week menu details	127	114	1.0	114	0.5000	56.95	13	1.0	13	0.0167	0.2114	57.16

	Menu follow-up report	114	114	1.0	114	0.5000	56.95	0	1.0	0	0.0167	0.0000	56.95
	Email thank you note (1 min)	225	225	1.0	225	0.0167	3.76	0	1.0	0	0.0167	0.0000	3.76
	Email request for key informant interview (sponsors and former sponsors)	20	10	1.0	10	0.0501	0.50	10	1.0	10	0.0167	0.1670	0.67
	Reminder email request for key informant interview (sponsors and former sponsors)	10	9	1.0	9	0.0501	0.45	1	1.0	1	0.0167	0.0167	0.47
	Key informant interview (1 hour) (sponsors and former sponsors)	14	10	1.0	10	1.0000	10.00	4	1.0	4	0.0167	0.0668	10.07
	Email thank you note (1 min) (sponsors and former sponsors)	10	10	1.0	10	0.0167	0.17	0	1.0	0	0.0167	0.0000	0.17
SUBTOTAL OF CN SFSP SPONSORS AND FORMER SPONSORS		**443**	**253**	**9.0**	**2269**	**0.2782**	**631.43**	**190.33**	**3.1**	**598**	**0.0238**	**14.2139**	**645.65**
CN SFSP Site Supervisors	Email Site supervisors: request for phone call to discuss study (a) (5 min)	586	293	1.0	293	0.0835	24.46	293	1.0	293	0.0167	4.8926	29.36
	Reminder email: request for phone call to discuss study (b) (1 min)	293	278	1.0	278	0.0167	4.65	15	1.0	15	0.0167	0.2446	4.89
	Telephone discussion: Study overview and onboarding Site Supervisors (c) (d) (1 hour)	563	375	1.0	375	1.0000	375.00	188	1.0	188	0.1670	31.3125	406.31
	Email sites thank you for phone discussion and next steps	375	338	1.0	338	0.0167	5.64	37	1.0	37	0.1670	6.1790	11.82
	Email with link to surveys (1 min)	338	169	1.0	169	0.0167	2.82	169	1.0	169	0.0167	2.8181	5.64
	Reminder email with link to surveys (1 min)	169	160	1.0	160	0.0167	2.68	9	1.0	9	0.0167	0.1503	2.83
	Site Supervisor Survey	375	319	1.0	319	0.3340	106.46	56	1.0	56	0.0167	0.9394	107.40
	Email with link to Menu Planning Survey and Sampled week menu	188	188	1.0	188	0.0835	15.66	0	1.0	0	0.0167	0.0000	15.66
	Email requesting additional sampled week menu details	94	75	1.0	75	0.0835	6.26	19	1.0	19	0.0167	0.3131	6.58
	Reminder email to complete menu planning survey/sampled week menu	38	34	1.0	34	0.0167	0.56	4	1.0	4	0.0167	0.0626	0.63
	Email with menu follow-up report	109	98	1.0	98	0.0835	8.17	11	1.0	11	0.0167	0.1816	8.35
	Email reminder requesting menu follow-up report	54	49	1.0	49	0.0167	0.82	5	1.0	5	1.0167	5.5283	6.35
	Menu planning survey	188	169	1.0	169	1.0000	168.75	19	1.0	19	2.0167	37.8131	206.56
	Sampled week menu details	188	169	1.0	169	0.5000	84.38	19	1.0	19	3.0167	56.5631	140.94
	Menu follow-up report	169	152	1.0	152	0.5000	75.94	17	1.0	17	4.0167	67.7818	143.72
	Email thank you note (1 min)	319	319	1.0	319	0.0167	5.32	0	1.0	0	5.0167	0.0000	5.32
	Email request for key informant	12	6	1.0	6	0.0501	0.30	6	1.0	6	0.0167	0.1002	0.40

	interview												
	Reminder email request for key informant interview	6	5	1.0	5	0.0501	0.27	1	1.0	1	0.0167	0.0100	0.28
	Key informant interview	8	6	1.0	6	1.0000	6.00	2	1.0	2	0.0167	0.0401	6.04
	Email thank you note (1 min)	6	6	1.0	6	0.0167	0.10	0	1.0	0	0.0167	0.0000	0.10
SUBTOTAL OF CN SFSP SITES		**592**	**375**	**8.5**	**3206**	**0.2789**	**894.23**	**217**	**4.0**	**868**	**0.2475**	**214.9305**	**1109.16**
		1,035	**628**	**18**	**5,476**	**0.2786**	**1,526**	**407**	**7**	**1,466**	**0.1563**	**229**	**1,755**
Parents caregivers and SFSP/SSO participants and non-participants	Invitation letter/email to participate in study	85575	42788	1.0	42788	0.0835	3572.76	42787	1.0	42787	0.0167	714.5429	4287.30
	Reminder Invitation letter/email to participate in study	85575	42788	1.0	42788	0.0835	3572.76	42787	1.0	42787	0.0167	714.5429	4287.30
	Household eligibility screener (web or phone)	42788	22820	1.0	22820	0.0835	1905.47	19968	1.0	19968	0.0167	333.4573	2238.93
	Letter with paper caregiver survey	11410	9128	1.0	9128	0.0167	152.44	2282	1.0	2282	0.0167	38.1094	190.55
	Reminder postcard to eligible respondents who did not complete web survey	22820	20538	1.0	20538	0.0167	342.98	2282	1.0	2282	0.0167	38.1094	381.09
	Caregiver survey	25606	6000	1.0	6000	0.334	2004.00	19606	1.0	19606	0.0167	327.4202	2331.42
	Child survey	15363	3600	1.0	3600	0.334	1202.40	11763	1.0	11763	0.0167	196.4421	1398.84
	Teen survey	10242	2400	1.0	2400	0.334	801.60	7842	1.0	7842	0.0167	130.9614	932.56
	Invitation to participate in key informant interview	80	60	1.0	60	0.0835	5.01	20	1.0	20	0.0167	0.3340	5.34
	Reminder invitation to participate in key informant interview	20	20	1.0	20	0.0167	0.33	0	1.0	0	0.0167	0.0000	0.33
	Key informant interview with caregivers	50	40	1.0	40	1	40.00	10	1.0	10	0.0167	0.1670	40.17
	Email thank you note (1 min)	40	40	1.0	40	0.0167	0.67	0	1.0	0	0.0167	0.0000	0.67
		85575	**42788**	**3.6**	**155697**	0.097150984	**15126.08**	**42787.50**	**3.5**	150812.81	**0.0181**	2723.2310	17849.31
		88222.48	**44340.59**	**3.8**	**7.5**	0.111665591	**18924.00**	**43881.89**	**3.5**	154307.74	**0.0216**	3337.67	22261.68

Dated: August 10, 2017.

Brandon Lipps,

Administrator, Food and Nutrition Service.

[FR Doc. 2017–17643 Filed 8–21–17; 8:45 am]

BILLING CODE 3410–30–C

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection Comment Requested—Supplemental Nutritional Assistance Program Education (SNAP-Ed) Collection Recipe Submission and Review Forms

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 this notice announces the Food and Nutrition Service's (FNS) intent to request approval to collect information via online forms. This is a revision of a currently approved information collection request which was transferred from Agricultural Research Service. These voluntary forms (SNAP-Ed Connection Recipe Submission and Review Forms) will be used by Supplemental Nutrition Assistance Program Education (SNAP-Ed) instructors, Individuals/Households (consumers from the general public), Business (the private sector), USDA Food program operators, and other Federal entities and State Agencies (school nutrition experts, State Agency nutrition programs) to submit recipes. These same groups will also be able to review recipes. These two voluntary forms (*The Recipe Finder Submission Form and The Recipe Review Form*) give consumers and nutrition program experts the opportunity to share recipes that they have developed and review recipes that have been submitted by either group.

DATES: Comments on this notice must be received by October 23, 2017 to be assured of consideration.

ADDRESSES: Comments may be sent to: Usha Kalro, Food and Nutrition Service, Supplemental Nutrition Assistance Program, Program Administration and Accountability Division, SNAP-Ed Connection, 3101 Park Center Drive, Room 822, Alexandria, VA 22302, or via fax 703 305 0928. Submit electronic comments to *snap-edconnection@fns.usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov* and follow the online instructions for submitting comments electronically.

All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m. Monday through Friday) at 3101 Park Center Drive, Alexandria, Virginia 22302.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collected should be directed to Usha Kalro, telephone (703) 305–2397, or at *usha.kalro@fns.usda.gov.*

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden on the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

Title: SNAP-Ed Connection Recipe Submission and Review Forms.

OMB Number: 0584–0624.

Form Number: N/A.

Expiration Date: 10.31.17.

Type of Request: Revision of a currently approved information collect request.

Abstract: We are requesting an update in the name of this form. The name change from Food Stamp to SNAP was based on the Farm Bill, The Food, Conservation, and Energy Act of 2008 (Pub. L. 110–234, H.R. 2419, 122 Stat. 923, Section 4001 enacted May 22, 2008, also known as the 2008 U.S. Farm Bill).

The *What's Cooking? USDA Mixing Bowl* (formerly the Food Stamp Nutrition Connection Recipe Finder, and then SNAP-Ed Connection Recipe Finder) *https://whatscooking.fns.usda.gov* is an on-line recipe database. This database is a central location for recipe users to submit and search for healthy recipes that support the Dietary Guidelines for Americans 2015 (DGA). The recipe database is now a combination of recipes from other USDA Food and Nutrition Service (FNS) programs such as the Food Distribution Programs (FDP) (Food Distribution on Indian Reservations, Commodity Supplemental Food Program, and The Emergency Food Assistance Program), Child Nutrition Programs (CNP), and the Center for Nutrition Policy and Promotion (CNPP). The recipes benefit (individuals/households) consumers, State Agency staff, SNAP-Ed instructors, school nutrition experts, and (business-for-not-for-profit) the private sector.

The Recipe Finder Submission Form allows SNAP-Ed instructors, individuals/household consumers from the general public, USDA Foods program operators, other Federal entities and State Agency nutrition programs, school nutrition experts, and (business-for-not-for-profit) the private sector to submit recipes on-line, making the submission process efficient. The criteria for recipe inclusion vary by program area. Staff from SNAP-Ed Connection, CNPP, FDP, and CNP reviews the data collected from the voluntary Recipe Finder Submission Form. Only Staff will review the form to determine whether a recipe is eligible for inclusion in the database.

Data collected (such as names, addresses, emails and affiliations) from *The Recipe Review Form* allows recipe users to provide feedback about the recipe that may help future users & allows the Federal entity to reach out to request any changes in the recipe to meet the DGA. Any Web site user is able to leave comments. Estimated burden for each form and affected public is defined in the table below.

Form 1: The Recipe Finder Submission Form

Affected Public: State Agencies (15); Business-for-not-for-profit (5) and Individuals or Households (5).

Estimated Total Number of Respondents: 25 (There are15 State Agencies—who SNAP-Ed instructors, school nutrition experts, state agency nutrition programs), 5 business from the private sector, 5 individuals and household consumers from the general public, the USDA Foods program operators, and Federal. We are not counting burden for the Federal Government entities since these agencies specializes in food nutrition which falls within the scope of their mission.

Estimated Frequency of Responses: 1.

Estimated Total Number of Annual Responses: 25.

Estimated Burden per Response: 0.1837 (The Recipe Submission Form

(estimated average 11 minutes per response.

Estimated Total Annual Burden Hours for Recipe Submission Form: 4.59.

Form 2: The Recipe Review Form

Affected Public: State Agencies (75); Business-for-not-for-profit (50) and Individuals or Households (100).

Estimated Total Number of Respondents: 225.

(There are 75 State Agencies—who SNAP-Ed instructors, school nutrition experts, state agency nutrition programs), 50 business from the private sector, 100 individuals and household consumers from the general public, the USDA Foods program operators, and Federal. We are not counting burden for the Federal Government entities since these agencies specializes in food nutrition which falls within the scope of their mission.

Estimated Frequency of Responses: 1.

Estimated Total Annual Responses: 225.

Estimate of Burden for Recipe Review Form: 0.1002 (approximately 6 minutes per response).

Respondents:

Estimated Total Annual Burden on Respondents for Recipe Review Form: 22.54 hours.

Overall Burden Estimate Summary for both Forms: 4.59 + 22.54 = 27.13.

See table below for overall breakdown by affected public and forms:

Affected public	Type of respondent	Number of respondents	Frequency per respondents	Total annual response	Average time per response (hours)	Total annual burden hours
State, Local or Tribal Agencies.	Recipe Submission Form ...	15	1	15	0.1837	2.75
State, Local or Tribal Agencies.	Recipe Review Form	75	1	75	0.1002	7.51
State, Local or Tribal Agencies Sub-Total.	.....	90	1	90	0.144	10.26
Business-for-not-for-profit ...	Recipe Submission Form ...	5	1	5	0.1837	0.9185
Business-for-not-for-profit ...	Recipe Review Form	50	1	50	0.1002	5.01
Business Sub-Total	.....	55	1	55	0.10779	5.9285
Individual or Households	Recipe Submission Form ...	5	1	5	0.1837	0.9185
Individual or Households	Recipe Review Form	100	1	100	0.1002	10.02
Individual or Households Sub-Total.	.....	105	2	105	0.1837	10.938
Grand Total Burden Estimates.	.....	250	1	250	0.108	27

Dated: August 10, 2017.

Brandon Lipps,

Administrator, Food and Nutrition Service.

[FR Doc. 2017–17524 Filed 8–21–17; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Huron-Manistee Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Huron-Manistee Resource Advisory Committee (RAC) will meet in Mio, Michigan. The RAC is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the RAC is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act.

DATES: The meeting will be held on September 5, 2017, from 6:30 p.m.–9:30 p.m. All RAC meetings are subject to cancellation. For meeting status prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Mio Ranger District, 107 McKinley Road, Mio, Michigan 48647. Participants who would like to attend by teleconference or by video conference, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Mio Ranger District. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Brad Bolton, Designated Federal Officer, by phone at 989–826–3252 or via email at *blbolton@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and

8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review and adopt meeting minutes from previous meeting,
2. Review process' for recommending and considering Title II projects,
3. Provide project presentations, and
4. Allow for public comment.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make a request in writing by August 29, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Brad Bolton, Designated Federal Officer, 107 McKinley Road, Mio, Michigan 48647, by email to *blbolton@fs.fed.us,* or via facsimile to 989–826–6073.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests

in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: August 15, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–17714 Filed 8–21–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–22–2017]

Foreign-Trade Zone (FTZ) 167—Brown County, Wisconsin; Authorization of Production Activity; Polaris Industries, Inc.; (Spark-Ignition Internal Combustion Engines); Osceola, Wisconsin

On April 4, 2017, Polaris Industries, Inc., submitted a notification of proposed production activity to the FTZ Board within Subzone 167B, in Osceola, Wisconsin.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (82 FR 17968, April 14, 2017). On August 8, 2017, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: August 16, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–17696 Filed 8–21–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–55–2017]

Foreign-Trade Zone 38—Spartanburg County, South Carolina; Application for Expansion of Subzone 38A; BMW Manufacturing Company, LLC; Duncan, South Carolina

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the South Carolina State Ports Authority, grantee of FTZ 38, requesting an expansion of Subzone 38A on behalf of BMW Manufacturing Company, LLC, to include a site in Duncan, South Carolina. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on August 16, 2017.

The applicant is requesting authority to expand Subzone 38A to include an additional site: Site 10 (10.68 acres)—1181 Howell Road, Duncan, Spartanburg County. No additional authorization for production activity has been requested at this time.

In accordance with the FTZ Board's regulations, Qahira El-Amin of the FTZ Staff is designated examiner to review the application and make recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is October 2, 2017. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to October 16, 2017.

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

For further information, contact Qahira El-Amin at *Qahira.El-Amin@trade.gov* or (202) 482–5928.

Dated: August 16, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–17698 Filed 8–21–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–54–2017]

Foreign-Trade Zone (FTZ) 277—Western Maricopa County, Arizona; Notification of Proposed Production Activity; CornellCookson, Inc. (Rolling Steel Doors); Goodyear, Arizona

Greater Maricopa Foreign Trade Zone, Inc., grantee of FTZ 277, submitted a notification of proposed production activity to the FTZ Board on behalf of CornellCookson, Inc. (CornellCookson) for its facility in Goodyear, Arizona within FTZ 277. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on July 19, 2017.

CornellCookson already has authority to produce rolling steel doors within Site 11 of FTZ 277. The current request would add foreign status components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt CornellCookson from customs duty payments on the foreign-status components used in export production. On its domestic sales, for the foreign-status components noted below, CornellCookson would be able to choose the duty rates during customs entry procedures that apply to rolling steel doors (duty free). Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components sourced from abroad include: Steel chains and parts; release pins; motor mounting kits; chain sprockets; centrifugal switches; electrical rectifiers and power supplies; alarm speakers; electrical motor overload protectors; electrical switches; electrical control panels (less than 1,000 volts); electrical cables and conductors; AC motor heaters; and, AC motor encoders (duty rate ranges from duty-free to 5.7%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is October 2, 2017.

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

For further information, contact Qahira El-Amin at *Qahira.El-Amin@trade.gov* or (202) 482–5928.

Dated: August 16, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–17697 Filed 8–21–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–802]

Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results

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

SUMMARY: On August 8, 2017, the Court of International Trade (CIT) issued its final judgment, sustaining the Department of Commerce's (the Department's) remand results pertaining to the eighth administrative review of the antidumping duty order on certain frozen warmwater shrimp from the Socialist Republic of Vietnam (Vietnam) covering the period of review (POR) of February 1, 2012, through January 31, 2013. The Department is notifying the public that the final judgment in this case is not in harmony with the final results of the administrative review, and that the Department is amending the final results with respect to the labor surrogate value applied in the administrative review.

DATES: Applicable August 18, 2017.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik, AD/CVD Operations Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6905.

SUPPLEMENTARY INFORMATION:

Background

On September 24, 2014, the Department published the *AR8 Final Results,* and on November 4, 2014, it published the *AR8 Amended Final Results.*[1] In *Tri Union I,* the CIT granted our request for a voluntary remand on the issue of the labor surrogate value.[2] In *Remand I,* the Department determined that wage rate data from the Bangladeshi Bureau of Statistics (BBS) were not aberrational and constituted the best available information for valuing labor.[3] Subsequently, in the *Remand II Opinion and Order,* the CIT remanded this issue again to the Department.[4]

In light of the Court's *Remand II Opinion and Order,* we evaluated the record evidence and reconsidered our determination that the Bangladeshi data are the best available information. Consequently, we concluded that the BBS data are not the best available information on the record with which to value the respondents' labor. Instead, we determined to use Indian data on the record as a surrogate value for labor.[5]

In the *AR8 Final Results,* we calculated a 9.75 percent weighted-average margin for Soc Trang Seafood Joint Stock Company, unchanged in *AR8 Amended Final Results.*[6] Based on our change of the labor surrogate value in *Remand II,* we calculated a 10.48 percent weighted-average margin for Soc Trang Seafood Joint Stock Company.[7] We intend to liquidate Soc Trang Seafood Joint Stock Company's enjoined entries of subject merchandise at the importer-specific assessment rates revised pursuant to *Remand II* and identified within the Draft Remand Recalculations.

Further, we adjusted the Minh Phu Group's final margin from 4.98 percent[8] to 5.48 percent,[9] for the sole purpose of recalculating the separate rate for the non-individually examined companies that received a separate rate and are parties to this litigation; however, there is no effect to the Minh Phu Group's final margin of 4.98 percent in the *AR8 Final Results* unchanged in *AR8 Amended Final Results.*[10] The Department recalculated the separate rate resulting in a weighted-average dumping margin of 6.94 percent for the non-individually examined companies that qualified for a separate rate and are subject to this litigation.[11] We intend to liquidate these companies' enjoined entries of subject merchandise at this revised rate of 6.94 percent at the completion of this litigation.

Timken Notice

In its decision in *Timken,*[12] as clarified by *Diamond Sawblades,*[13] the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision.

This notice is published in fulfillment of the publication requirement of *Timken.* Accordingly, the Department will continue the suspension of liquidation of the subject merchandise at issue in the *Remand II* pending expiration of the period to appeal or, if appealed, a final and conclusive court decision.

Amended Final Results

Because there is now a final court decision, the Department is amending the *AR8 Amended Final Results.* Based on *Remand II,* as affirmed by the Court on August 8, 2017, the revised weighted-average dumping margin for Soc Trang Seafood Joint Stock Company for the period February 1, 2012, through January 31, 2013, is 10.48 percent. The margin for the non-individually examined respondents that received a separate rate in the *AR8 Final Results* and are subject to this litigation is 6.94 percent.

In the event that the CIT's ruling is not appealed or, if appealed, is upheld

[1] *See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review, 2012–2013,* 79 FR 57047 (September 24, 2014) (*AR8 Final Results*), and *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Amended Final Results of Antidumping Duty Administrative Review, 2012–2013,* 79 FR 65377 (November 4, 2014) (*AR8 Amended Final Results*).

[2] *See Tri Union Frozen Prods. Inc.* v. *United States,* 163 F. Supp. 3d 1255, 1312–13 (CIT 2016) (*Tri Union I*).

[3] *See Final Results of Redetermination Pursuant to Court Remand,* dated September 1, 2016 (*Remand I*) at 5; available at: *http://enforcement.trade.gov/remands/16-33.pdf.*

[4] *See Tri Union Frozen Products Inc., et.al.,* v. *United States,* Court No. 14–00249, Slip Op. 17–71 (June 13, 2017) (*Remand II Opinion and Order*) at 24–25.

[5] *See Final Results of Redetermination Pursuant to Court Remand,* dated July 25, 2017 (Remand II) at 11–12; available at: *http://enforcement.trade.gov/remands/17-71.pdf. See also* the petitioner's submission re: ''Comments on Surrogate Country Selection,'' dated August 30, 2013, and the petitioner's submission re: ''Post-Prelim Evidentiary Submission Regarding Surrogate Country and Value Selection,'' dated April 28, 2014 at Exhibit 8. *See also* Memorandum to the File, re: ''Draft Remand II Redetermination—Draft Remand II Recalculations,'' dated July 5, 2017 (Draft Remand Recalculations).

[6] *See AR8 Final Results,* 79 FR at 57049; *see also AR8 Amended Final Results,* 79 FR at 65378.

[7] *See* Memorandum to the File, re: ''Draft Remand II Redetermination—Draft Remand II Recalculations,'' dated July 5, 2017 (Draft Remand Recalculations) at Attachment 3 and 4.

[8] *See AR8 Final Results,* 79 FR at 57049; *see also AR8 Amended Final Results,* 79 FR at 65378.

[9] *See* Draft Remand Recalculations at Attachments 1 and 2.

[10] Since the issuance of the AR8 *Final Results,* the Department has revoked the antidumping duty order with respect to the Minh Phu Group. Moreover, the Minh Phu Group is not subject to this litigation, the original injunction enjoining the lifting of suspension has been lifted, and the suspended entries have been liquidated. *See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order,* 81 FR 47756, 47757–47758 (July 22, 2016).

[11] *Id.,* at 3–7, where we provided the separate rate methodology and recalculation and the list of the separate rate companies that are subject to this litigation.

[12] *See Timken Co.* v. *United States,* 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

[13] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

by a final and conclusive court decision, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise based on the importer-specific assessment rates re-calculated in *Remand II* for Soc Trang Seafood Joint Stock Company and the above-noted 6.94 percent recalculated separate rate for the non-individually examined respondents that received a separate rate in the *AR8 Final Results* and are subject to this litigation.

Cash Deposit Requirements

Mandatory Respondent

Because there have been subsequent administrative reviews for Soc Trang Seafood Joint Stock Company, the cash deposit rate for Soc Trang Seafood Joint Stock Company will remain the rate established in the most recently-completed administrative review in which it received a cash deposit rate of 4.78 percent.[14]

Separate-Rate Companies

There have been subsequent administrative reviews completed for the below-listed non-individually examined companies that qualified for a separate rate and are subject to this litigation; thus, the cash deposit rate for these exporters will remain the rate established in the most recently-completed administrative review in which they received a cash deposit rate:

Exporter [15]	Cash deposit rate in effect (%)	**Federal Register** notice
Camau Frozen Seafood Processing Import Export Corporation, aka Camimex, aka Camau Seafood Factory No. 4, aka Camau Seafood Factory No. 5, aka Camau Frozen Seafood Processing Import Export Corp. (CAMIMEX–FAC 25), aka Frozen Factory No. 4.	4.78	*AR10 Final Results.*
Cafatex Fishery Joint Stock Corporation, aka Cafatex Corporation, aka Cafatex Corp., aka Cafatex, aka Taydo Seafood Enterprise, aka Xi Nghiep Che Bien Thuy Suc San Xuat Kau Cantho.	4.78	*AR11 Final Results.*[16]
C.P. Vietnam Corporation, aka C.P. Vietnam Livestock Corporation, aka C.P. Vietnam Livestock Company Limited, aka C.P. Vietnam.	25.76	*AR11 Final Results.*
Camau Seafood Processing and Service Joint-Stock Corporation	4.78	*AR10 Final Results.*
Cadovimex Seafood Import-Export and Processing Joint Stock Company, aka Cai Doi Vam Seafood Import-Export Company, aka Caidoivam Seafood Company, aka Cadovimex-Vietnam, aka Cadovimex.	4.78	*AR11 Final Results.*
Can Tho Import Export Fishery Limited Company, aka CAFISH	4.78	*AR10 Final Results.*
Coastal Fisheries Development Corporation, aka COFIDEC, aka Coastal Fisheries Development Corp., aka Coastal Fisheries Development Co., aka Coastal Fisheries Development.	25.76	*AR11 Final Results.*
Cuu Long Seaproducts Company, aka Cuu Long Seaproducts Limited, aka Cuulong Seapro, aka Cuu Long Seapro.	4.78	*AR10 Final Results.*
Danang Seaproducts Import Export Corporation, aka Danang Sea Products Import Export Corporation, aka Tho Quang Seafood Processing & Export Company, aka Tho Quang Seafood Processing and Export Company, aka Tho Quang, aka Tho Quang Co., aka Seaprodex Danang.	25.76	*AR11 Final Results.*
Gallant Ocean (Vietnam) Co., Ltd	4.78	*AR11 Final Results.*
Hai Viet Corporation	4.78	*AR10 Final Results.*
Investment Commerce Fisheries Corporation, aka Investment Commerce Fisheries Corp., aka Investment Commerce Fisheries, aka Incomfish, aka Incomfish Corp., aka Incomfish Corporation.	4.78	*AR11 Final Results.*
Kim Anh Company Limited, aka Kim Anh Co, Ltd	4.78	*AR11 Final Results.*
Minh Hai Export Frozen Seafood Processing Joint-Stock Company, aka Minh Hai Jostoco	4.78	*AR10 Final Results.*
Minh Hai Joint-Stock Seafoods Processing Company, aka Seaprodex Minh Hai, aka Sea Minh Hai, aka Seaprodex Min Hai, aka Seaprodex Minh Hai-Factory No. 78, aka Seaprodex Minh Hai (Minh Hai Joint Stock Seafoods Processing Co.), aka Seaprodex Minh Hai Workshop 1, aka Seaprodex Minh Hai Factory No. 69.	4.78	*AR10 Final Results.*
Minh Hai Sea Products Import Export Company, aka Ca Mau Seafood Joint Stock Company, aka Seaprimexco Vietnam, aka Seaprimexco, aka Minh Hai Seaproducts Co Ltd.	4.78	*AR10 Final Results.*
Nha Trang Fisheries Joint Stock Company, aka Nha Trang Fisco aka Nhatrang Fisheries Joint Stock Company, aka Nhatrang Fisco, aka Nha Trang Fisheries, Joint Stock.	4.78	*AR11 Final Results.*
Nha Trang Seafoods: Nha Trang Seaproducts Company, aka Nha Trang Seafoods, aka NT Seafoods Corporation, aka NT Seafoods, aka Nha Trang Seafoods-F.89 Joint Stock Company, aka Nha Trang Seafoods-F.89, aka NTSF Seafoods Joint Stock Company, aka NTSF Seafoods.	4.78	*AR10 Final Results.*
Phu Cuong Jostoco Seafood Corporation, aka Phu Cuong Seafood Processing and Import-Export Co., Ltd., aka Phu Cuong Seafood Processing and Import Export Company Limited, aka Phu Cuong Jostoco Seafood Corp.	25.76	*AR11 Final Results.*
Phuong Nam Foodstuff Corp., aka Phuong Nam Co., Ltd	4.78	*AR11 Final Results.*
Quoc Viet Seaproducts Processing Trading and Import-Export Co., Ltd	4.78	*AR10 Final Results.*

[14] *See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review, 2014–2015,* 81 FR 62717, 62718–62719 (September 12, 2016) (*AR10 Final Results*). Soc Trang Seafood Joint Stock Company was granted the following ''also-known-as'' (aka) or ''doing-business-as'' (dba) names in *AR8 Final Results* (which were included in the injunction enjoining liquidation of suspended entries): Soc Trang Seafood Joint Stock Company, aka Stapimex, aka Soc Trang Aquatic Products and General Import Export Company, aka Soc Trang Aquatic Products and General Import Export Company (''Stapimex''), aka Stapmex. However, many of these names were not granted separate rate status in *AR10 Final Results.* Thus, for liquidation purposes, we will continue to use Soc Trang Seafood Joint Stock Company's aforementioned aka/dba names; but for cash deposit purposes, only the aka and/or dba names granted in *AR10 Final Results* are valid.

[15] Many of the aka or dba names subject to the litigation were not included in subsequent reviews. Therefore, the aka and/or dba names granted separate rate status in subsequent reviews supersede those listed above. The names listed above are included here as they appear in the injunctions enjoining liquidation pending completion of this litigation. Therefore, for liquidation purposes, we will continue to use the names above; however, only the aka and/or dba names granted in subsequent reviews are valid for cash deposit purposes.

[16] *See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review, 2015–2016,* 82 FR 11431, 11433 (February 23, 2017) (*AR11 Final Results*).

Exporter [15]	Cash deposit rate in effect (%)	**Federal Register** notice
Sao Ta Foods Joint Stock Company, aka Fimex VN, aka Sao Ta Seafood Factory, aka Saota Seafood Factory.	4.78	*AR10 Final Results.*
Thong Thuan Company Limited, aka Cong Ty Tnhh Thong Thuan	4.78	*AR10 Final Results.*
Thuan Phuoc Seafoods and Trading Corporation, aka Thuan Phuoc Corp., aka Frozen Seafoods Factory No. 32, aka Seafoods and Foodstuff Factory, aka Seafoods and Foodstuff Factory Vietnam, aka My Son Seafoods Factory.	4.78	*AR10 Final Results.*
UTXI Aquatic Products Processing Corporation, aka UT XI Aquatic Products Processing Corporation, aka UTXI Aquatic Products Processing Company, aka UT XI Aquatic Products Processing Company, aka UTXI Co. Ltd., aka UTXI, aka UTXICO, aka Hoang Phuong Seafood Factory, aka Hoang Phong Seafood Factory.	4.78	*AR11 Final Results.*
Viet Foods Co., Ltd., aka Nam Hai Foodstuff and Export Company Ltd	4.78	*AR10 Final Results.*
Vietnam Clean Seafood Corporation, aka Vina Cleanfood	4.78	*AR10 Final Results.*
Viet Hai Seafood Co., Ltd., aka Vietnam Fish One Co., Ltd., aka Fish One	4.78	*AR11 Final Results.*
Viet I-Mei Frozen Foods Co., Ltd	4.78	*AR10 Final Results.*

There have been no subsequent administrative reviews completed for the below-listed non-individually examined company that qualified for a separate rate and is subject to this litigation; thus, the cash deposit rate of 6.94 percent, as recalculated in *Remand II,* applies for this exporter.

Exporter	Cash deposit rate in effect (%)
BIM Seafood Joint Stock Company	6.94

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: August 15, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, Performing the Non-exclusive Functions and Duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–17629 Filed 8–21–17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 170706630–7630–01]

RIN 0648–XF538

Fish and Fish Product Import Provisions of the Marine Mammal Protection Act List of Foreign Fisheries

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

ACTION: Notice of availability; request for comments.

SUMMARY: NMFS is publishing its draft List of Foreign Fisheries (LOFF) for 2017, as required by the regulations implementing the Fish and Fish Product Import Provisions of the Marine Mammal Protection Act (MMPA). The draft LOFF reflects available information on marine mammal interactions in commercial fisheries exporting fish and fish products to the United States. NMFS has classified each commercial fishery included in the draft LOFF into one of two categories based upon frequency and likelihood of incidental mortality and serious injury of marine mammals that is likely to occur incidental to each fishery. Fisheries are classified as either exempt or export. The classification of a fishery on the draft and final LOFF will determine which regulatory requirements will be applicable to that fishery to enable the nation to receive a comparability finding necessary to export fish and fish products to the United States from that particular fishery. The draft LOFF can be found at *www.nmfs.noaa.gov/ia/species/marine_mammals/mmpaloff.html.*

DATES: Written comments must be received by 5 p.m. Eastern Time on October 23, 2017.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2017–0084, by either of the following methods:

1. *Electronic Submissions:* Submit all electronic comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0084,* click the ''Comment Now!'' icon, complete the required fields and enter or attach your comments.

2. *Mail:* Submit written comments to: Director, Office of International Affairs and Seafood Inspection, Attn: MMPA List of Foreign Fisheries, NMFS, F/IASI, 1315 East-West Highway, Silver Spring, MD 20910.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, 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). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe portable document file (PDF) formats only.

NMFS will consider all comments and information received during the comment period in preparing a final LOFF. NMFS will also seek input from nations on the draft LOFF at bilateral and multilateral meetings, as appropriate.

FOR FURTHER INFORMATION CONTACT: Nina Young, NMFS F/IASI at *Nina.Young@noaa.gov* or 301–427–8383.

SUPPLEMENTARY INFORMATION: In August 2016, NMFS published a final rule (81 FR 54390; August 15, 2016) implementing the fish and fish product import provisions (section 101(a)(2)) of the Marine Mammal Protection Act (MMPA). This rule established conditions for evaluating a harvesting nation's regulatory programs to address incidental and intentional mortality and serious injury of marine mammals in fisheries operated by nations that export fish and fish products to the United States.

Under this rule, fish or fish products cannot be imported into the United States from commercial fishing operations, which result in the

incidental mortality or serious injury of marine mammals in excess of United States standards. Such fish and fish products from export and exempt fisheries identified by the Assistant Administrator for Fisheries in the LOFF can only be imported into the United States if the harvesting nation has applied for and received a comparability finding from NMFS. The rule established procedures that a harvesting nation must follow and conditions it must meet to receive a comparability finding for a fishery. The rule also established provisions for intermediary nations to ensure that such nations do not import and re-export to the United States fish or fish products that are subject to an import prohibition.

What is the List of Foreign Fisheries?

Based on information provided by nations, industry, the public, and other readily available sources, NMFS has identified nations with commercial fishing operations that export fish and fish products to the United States and has classified each of those fisheries based on their frequency of marine mammal interactions as either ''exempt'' or ''export'' fisheries (see definitions below). The entire list of these export and exempt fisheries, organized by nation (or subsidiary jurisdiction), constitutes the LOFF.

Why is the LOFF important?

Under the MMPA, the United States prohibits imports of commercial fish or fish products caught in commercial fishing operations resulting in the incidental killing or serious injury (bycatch) of marine mammals in excess of United States standards (16 U.S.C. 1371(a)(2)). NMFS published regulations implementing these MMPA import provisions in August 2016 (81 FR 54390, August 15, 2016). The regulations apply to any foreign nation with fisheries exporting fish and fish products to the United States, either directly or through an intermediary nation.

The LOFF is an integral part of the process for implementing the import provisions of the MMPA. As described below, the LOFF lists foreign commercial fisheries that export fish and fish products to the United States and that have been classified as either ''export'' or ''exempt'' based on the frequency and likelihood of interactions or incidental mortality and serious injury of marine mammal. A harvesting nation must apply for and receive a comparability finding for each of its export and exempt fisheries to continue to export fish and fish products from those fisheries to the United States. For all fisheries, in order to receive a comparability finding under this program, the harvesting nation must prohibit intentional killing of marine mammals in the course of commercial fishing operations in the fishery or demonstrate that it has procedures to reliably certify that exports of fish and fish products to the United States were not harvested in association with the intentional killing or serious injury of marine mammals.

What do the classifications of ''exempt fishery'' and ''export fishery'' mean?

The classifications of ''exempt fishery'' or ''export fishery'' determine the criteria that a particular nation's fishery must meet to receive a comparability finding for that fishery. A comparability finding is required for both exempt and export fisheries, but the criteria differ.

The criteria for an exempt fishery to receive a comparability finding are limited only to those conditions related to the prohibition of intentional killing or injury of marine mammals (see 50 CFR 216.24(h)(6)(iii)(A)). To receive a comparability finding, export fisheries, must comply with those criteria and also maintain regulatory programs comparable in effectiveness to the U.S. regulatory program for reducing incidental marine mammal bycatch (see 50 CFR 216.24(h)(6)).

What is the five-year exemption period?

NMFS included a five-year exemption period (which began 1 January, 2017) in this process to allow foreign harvesting nations time to develop, as appropriate, regulatory programs comparable in effectiveness to U.S. programs at reducing marine mammal bycatch. During this exemption period, NMFS, based on the final LOFF, and in consultation with the Secretary of State, will consult with harvesting nations with commercial fishing operations identified as export or exempt fisheries for purposes of notifying the harvesting nation of the requirements of the MMPA. NMFS will continue to urge harvesting nations to gather information about marine mammal bycatch in their commercial fisheries to inform the next draft and final LOFF. NMFS will re-evaluate foreign commercial fishing operations and publish a notice of availability of the draft for public comment, and a notice of availability of the final revised LOFF in the **Federal Register** the year prior to the expiration of the exemption period (2020).

If, during the five-year exemption period, the United States determines that a marine mammal stock is immediately and significantly adversely affected by an export fishery, NMFS may use its emergency rulemaking authority to institute an import ban on these products.

How will NMFS classify a fishery if a harvesting nation does not provide information?

In instances where information on the commercial fishing operations and the frequency and likelihood of bycatch in a fishery has not been provided by the nation or is not readily available, NMFS may determine whether a fishery is an exempt or export fishery by evaluating the fishery using information such as fishing techniques, gear used, methods used to deter marine mammals, target species, seasons and areas fished, qualitative data from logbooks or fisher reports, stranding data, the species and distribution of marine mammals in the area, or other factors.

As anticipated, information on the frequency or likelihood of interactions or bycatch in most foreign fisheries was lacking or incomplete. In the absence of such information, NMFS used the information noted above to classify fisheries, which may include drawing analogies to similar U.S. fisheries and gear types interacting with similar marine mammal stocks. Where no analogous fishery or fishery information exists, NMFS classified the commercial fishing operation as an export fishery until such time as information comes available to properly classify the fishery. NMFS may reclassify a fishery if a harvesting nation provides, during the comment period, reliable information to reclassify the fishery or such information is readily available to NMFS in the course of preparing a revised LOFF.

Instructions to Nations Reviewing the Draft LOFF

In the LOFF, the vast majority, 3272 fisheries, are classified as export fisheries in accordance with 50 CFR 216.24(h)(3) and 216.3. To ensure the appropriate classification of their fisheries, nations should review the LOFF at *www.nmfs.noaa.gov/ia/species/marine_mammals/mmpaloff.html* together with this **Federal Register** notice carefully and submit detailed comments on their commercial fishing and processing operations. In this **Federal Register** notice, NMFS provides detailed information on the information reviewed to create the LOFF, the criteria used to classify a fishery as exempt or export, and the assumptions made to determine such classifications based on the information submitted or found readily available.

If a nation or entity wishes to advocate for a change in the classification of a fishery, the nation or entity should provide detailed information about the fishery, summaries of observer or logbook data, information on analogous fisheries where marine mammal bycatch may or may not occur, and detailed documentary evidence to support its claims, including, whenever possible, peer-reviewed data on marine mammal bycatch and impacts of bycatch to marine mammal population abundance. NMFS recommends that nations make specific edits in the appropriate column to the draft LOFF and provide references and supporting information.

Instructions for Freshwater and Inland Fisheries

Fisheries that occur solely in fresh water outside any marine mammal habitat, and inland aquaculture operations, are exempt from this rule. If any such fisheries have been included in the LOFF, nations should indicate such fisheries and provide the necessary documentary evidence so NMFS can remove them from the LOFF as appropriate.

Instructions for Data Sets Listed as ''None Provided''

Many nations either did not provide information or provided incomplete information. Where no information was provided, NMFS labelled that data set as ''none provided.'' Nations are strongly encouraged to provide that information during the public comment period. In particular, NMFS is lacking information for many fisheries on gear type, area of operation, marine mammal species that a fishery may encounter or entangle as bycatch, and bycatch estimates for many species. This information is critical for properly classifying the fishery. When no information was provided, NMFS used other readily available information to define a fishery. Nations are urged to review both information supplied by the nation or discovered by NMFS, especially those nations that did not provide information or provided incomplete information.

NMFS also urges nations to provide the area of operation for both wild-caught fisheries and aquaculture operations for all the fisheries listed. It is particularly important for nations to provide information on the location of aquaculture operations (*e.g.,* open ocean, lagoon, or pond) and the type of aquaculture operation (*e.g.,* pens, cages, or lines); without this information, NMFS cannot properly classify an aquaculture operation.

Instructions for Reviewing Gear Type and Operational Areas

In developing the LOFF, NMFS divided the fisheries by gear type because certain gears are documented as posing a greater risk of having marine mammal bycatch than others. Subdividing fishery information in this manner may not account for the actual or estimated number of vessels. Nations should review the number of vessels licensed to fish with a particular gear type and provide comments or revised estimates of vessels licensed to fish with that gear type.

Some fisheries in the LOFF are likely multi-species fisheries but are currently classified separately by fish species. If a fishery listed has multiple target species (*e.g.,* demersal fish or large pelagics) and is represented more than once on the LOFF, nations should consider consolidating those fisheries to accurately reflect the multi-species nature of that fishery. For example, cod and haddock fisheries that are classified separately can be designated as multispecies groundfish fishery (including cod, haddock, etc.). NMFS encourages nations to aggregate those fisheries that are listed separately into a broader fishery designation, as appropriate, and provide NMFS with a list of fish species that are captured in that fishery and its operational details (*e.g.,* coastal pelagic gillnet fishery).

NMFS also urges nations to group or list fisheries, not based on the product exported but on the actual target species of the fishery. If an exported fish or fish product is not a target of a fishery but rather is a bycatch of that fishery, nations should note that information. NMFS prefers avoiding consolidating gear types together due to the different risk gear types pose to marine mammals, but would consider aggregating fisheries by target species or area, based on a nation's recommendations.

NMFS separated fisheries into specific areas of operation. Our experience indicates that marine mammal bycatch can differ depending on a fishery's area of operation and its overlap with marine mammal populations. NMFS urges nations to review the area of operation listed for each fishery and aggregate fisheries of the same gear type into larger areas of operation (*e.g.,* encompassing more bays or management zones) where appropriate. NMFS recommends avoiding collapsing areas into larger management areas unless it is appropriate to do so and would not result in a fishery with marine mammal bycatch disadvantaging one or more fisheries that do not pose the same level of risk.

Instructions for High Seas Fisheries Operating Within a Regional Fishery Management Organization, Intergovernmental Agreement, or Access Agreement

NMFS attempted to identify fisheries that are operating within a convention area of a regional fishery management organization (RFMO) or are associated with an intergovernmental agreement. NMFS requests that nations identify which fisheries are operating or authorized under an RFMO or intergovernmental agreement and provide information on conservation and management measures that specifically govern the bycatch of marine mammals in that organization. This information will further assist in the classification of fisheries and determinations related to future comparability findings.

Many nations have access agreements with other nations that permit them to fish within the EEZ or territorial waters of another nation (see annex on global tuna catch and access agreements in supporting documents at *www.nmfs.noaa.gov/ia/species/marine_mammals/mmpaloff.html*).

In most cases, nations did not provide information distinguishing between vessels permitted to fish in their own territorial waters from their national vessels fishing in distant waters under some type of access agreement. NMFS strongly encourages nation to identify which fisheries are operating under access agreements in distant waters or within the EEZ of another nation and the reporting requirements for such fisheries.

Instruction for Nations That Are Processing Fish and Fish Products

For the purposes of identifying intermediary nations (discussed below), if a nation exports a fish or fish product to the United States for which it is only the processor, and the fish in that product is harvested elsewhere, NMFS strongly encourages nations or other entities to identify those products and the source fisheries and nations for those products. Providing this information will result in NMFS re-classifying a nation as an intermediary nation for that specific fish or fish product.

Instructions for Fisheries With No Specific Target Species

Nations will note that there are products for which NMFS has been unable to find information (*e.g.,* gear type and area of operation), and there

are fisheries that have been documented in the literature as having marine mammal bycatch associated with a nation and gear type but for which no target species of fish or fish products was identified. NMFS urges nations to provide the information that is lacking and as much detail as possible about the fishery, its operational characteristics, and its interactions with marine mammals, including applicable references.

Instructions for Which Fisheries Should be Included in the LOFF

NMFS urges nations to examine their exports to the United States over the last decade and include all fisheries which have, are, or may in the future be the source of fish and fish products exported to the United States. To ensure that no fisheries are overlooked in this process, nations should be as inclusive as possible. Nations or other entities should provide all the documentation and applicable references necessary to support any proposed modifications to the fisheries in the LOFF. Providing such information will ensure an accurate classification of each fishery in the final LOFF and avoid requiring a nation to develop a regulatory program for a fishery classified as an export fishery because the nation failed to provide information.

Instructions for Non-Nation Entities

NMFS welcomes the input of the public, non-governmental organizations, and scientists. These entities can provide critical information about marine mammal bycatch in global fisheries and efforts to mitigate such bycatch. NMFS requests that when such entities comment on the LOFF, they provide as much detail and supporting documentary evidence as possible. While there are references in the literature to marine mammal bycatch in certain foreign fisheries, it may be that fish and fish products originating from those fisheries are not exported to the United States (*e.g.,* artisanal or coastal fisheries for domestic consumption). NMFS would like to receive information on which fish and fish products are exported to the United States and the frequency of marine mammal interactions or bycatch in those fisheries.

Further Direction and Instructions

NMFS urges all nations and all stakeholders to review the criteria, assumptions, and global classifications that follow in this **Federal Register** notice, to more completely understand the classifications and rationale in the LOFF.

Definitions

What is a ''comparability finding?''

A comparability finding is a finding by NMFS that the harvesting nation for an export or exempt fishery has met the applicable conditions specified in the regulations (see 50 CFR 216.24(h)) subject to the additional considerations for comparability findings set out in the regulations. A comparability finding is required for a nation to export fish and fish products to the United States. In order to receive a comparability finding for an export fishery, the harvesting nation must maintain a regulatory program with respect to that fishery that is comparable in effectiveness to the U.S. regulatory program for reducing incidental marine mammal bycatch. This may be met by maintaining a regulatory program that includes measures that are comparable, or that effectively achieve comparable results, to the regulatory program under which the analogous U.S. fishery operates.

What is the definition of an ''export fishery?''

The definition of export fishery can be found in the implementing regulations for section 101(a)(2) of the MMPA (see 50 CFR 216.3). NMFS considers ''export'' fisheries to be functionally equivalent to Category I and II fisheries under the U.S. regulatory program (see definitions at 50 CFR 229.2). The definition of an export fishery is summarized below.

NMFS defines ''export fishery'' as a foreign commercial fishing operation determined by the Assistant Administrator to be the source of exports of commercial fish and fish products to the United States that have more than a remote likelihood of incidental mortality and serious injury of marine mammals in the course of its commercial fishing operations.

Where reliable information on the frequency of incidental mortality and serious injury of marine mammals caused by the commercial fishing operation is not provided by the harvesting nation, the Assistant Administrator may determine the likelihood of incidental mortality and serious injury as more than remote by evaluating information concerning factors such as fishing techniques, gear used, methods used to deter marine mammals, target fish species, seasons and areas fished, qualitative data from logbooks or fisher reports, stranding data, the species and distribution of marine mammals in the area, or other factors.

Commercial fishing operations not specifically identified in the current LOFF as either exempt or export fisheries are deemed to be export fisheries until a revised LOFF is posted, unless the harvesting nation provides the Assistant Administrator with information to properly classify the foreign commercial fishing operation. The Assistant Administrator may also request additional information from the harvesting nation, as well as consider other relevant information about such commercial fishing operations and the frequency of incidental mortality and serious injury of marine mammals, to properly classify the foreign commercial fishing operation.

What is the definition of an ''exempt fishery?''

The definition of exempt fishery can be found in the implementing regulations for section 101(a)(2) of the MMPA (see 50 CFR 216.3). NMFS considers ''exempt'' fisheries to be functionally equivalent to Category III fisheries under the U.S. regulatory program (see definitions at 50 CFR 229.2). The definition of an exempt fishery is summarized below.

NMFS defines an exempt fishery as a foreign commercial fishing operation determined by the Assistant Administrator to be the source of exports of commercial fish and fish products to the United States that have a remote likelihood of, or no known, incidental mortality and serious injury of marine mammals in the course of commercial fishing operations. A commercial fishing operation that has a remote likelihood of causing incidental mortality and serious injury of marine mammals is one that, collectively with other foreign fisheries exporting fish and fish products to the United States, causes the annual removal of:

(1) Ten percent or less of any marine mammal stock's bycatch limit, or

(2) More than ten percent of any marine mammal stock's bycatch limit, yet that fishery by itself removes one percent or less of that stock's bycatch limit annually, or

(3) Where reliable information has not been provided by the harvesting nation on the frequency of incidental mortality and serious injury of marine mammals caused by the commercial fishing operation, the Assistant Administrator may determine whether the likelihood of incidental mortality and serious injury is ''remote'' by evaluating information such as fishing techniques, gear used, methods to deter marine mammals, target fish species, seasons and areas fished, qualitative data from logbooks or fisher reports, stranding data, the species and distribution of marine mammals in the area, or other

factors at the discretion of the Assistant Administrator.

A foreign fishery will not be classified as an exempt fishery unless the Assistant Administrator has reliable information from the harvesting nation, or other information to support such a finding.

Developing the 2017 Draft List of Foreign Fisheries

How is the List of Foreign Fisheries organized?

NMFS organized the LOFF by harvesting nation (or subsidiary jurisdiction), then exempt fisheries, export fisheries, and export fisheries with no information. The fisheries listed contain defining factors including geographic location of harvest, gear-type, target species or a combination thereof. The LOFF also includes a list of the marine mammals that interact with each commercial fishing operation, where known, and, when available, indicates the level of incidental mortality and serious injury of marine mammals in each commercial fishing operation.

What sources of information did NMFS use to classify the commercial fisheries included in the draft LOFF?

NMFS reviewed and considered documentation provided by nations; the public; and other sources of information, where available, including fishing vessel records; reports of on-board fishery observers; information from off-loading facilities, port-side government officials, enforcement, transshipment vessel workers and fish importers; government vessel registries; RFMOs or intergovernmental agreement documents, reports, national reports, and statistical document programs; appropriate catch certification programs; Food and Agricultural Organization (FAO)documents and profiles; and published literature and reports on commercial fishing operations with intentional or incidental mortality and serious injury of marine mammals. NMFS has used these sources of information and any other readily available information to classify the fisheries as ''export'' or ''exempt'' fisheries to develop the LOFF.

How did NMFS obtain the information used to classify fisheries included in the draft LOFF?

First, NMFS identified imports of fish and fish products by nation using the U.S. foreign trade database for commercial fisheries imports found at: *http://www.st.nmfs.noaa.gov/commercial-fisheries/foreign-trade/*. Second, in December 2016 NMFS notified in writing each nation with commercial fishing or processing operations that export fish or fish products to the United States to request that within 90 days of notification, by April 1, 2017, the nation submit information about commercial fishing or processing operations. NMFS included in that notification a list of fish and fish products imported into the United States from that nation during the past several years.

For commercial fishing operations, NMFS requested information on the number of participants, number of vessels, gear type, target species, area of operation, fishing season, and any information regarding the frequency of marine mammal incidental mortality and serious injury, including programs to assess marine mammal populations or bycatch. NMFS also requested that nations submit copies of any laws, decrees, regulations, or measures to reduce incidental mortality and serious injury of marine mammals in their commercial fishing operations or prohibit the intentional killing or injury of marine mammals.

NMFS also evaluated information submitted by the nations and the public in response to **Federal Register** Notice (82 FR 2961, January 10, 2017) seeking information on foreign commercial fishing operations that export fish and fish products to the United States and the frequency of incidental and intentional mortality and serious injury of marine mammals in those fisheries.

How did NMFS determine which species or stocks are included as incidentally or intentionally killed or seriously injured in a fishery?

The LOFF includes a list of marine mammal species and/or stocks incidentally or intentionally killed or injured in a commercial fishing operation. The list of species and/or stocks incidentally or intentionally killed or injured includes ''serious'' and ''non-serious'' documented injuries and interactions with fishing gear, including interactions such as depredation.

NMFS reviewed information submitted by nations and readily available scientific information including co-occurrence models demonstrating distributional overlap of the commercial fishing operations and marine mammals to determine which species or stocks to include as incidentally or intentionally killed or seriously injured in or interacting with a fishery. NMFS also reviewed, when available, injury determination reports, bycatch estimation reports, observer data, logbook data, disentanglement network data, fisher self-reports, and the information referenced in the definition of exempt and export fishery (see above or 50 CFR 216.3).

How often will NMFS revise the List of Foreign Fisheries?

NMFS has developed this draft LOFF and intends to publish a notice of the availability of the final LOFF in the **Federal Register** by January 1, 2018. NMFS will re-evaluate foreign commercial fishing operations and publish a notice of availability of the draft for public comment, and a notice of availability of the final revised LOFF in the **Federal Register** the year prior to the expiration of the exemption period (2020). NMFS will revise the final LOFF, as appropriate, and publish a notice of availability in the **Federal Register** every four years thereafter. In revising the list, NMFS may reclassify a fishery if new, substantive information indicates the need to re-examine and possibly reclassify a fishery. After publication of the LOFF, if a nation wishes to commence exporting fish and fish products to the United States from a fishery not on the LOFF, that fishery will be classified as an export fishery until the next LOFF is published and will be provided a provisional comparability finding for a period not to exceed twelve months. If a harvesting nation can provide the reliable information necessary to classify the commercial fishing operation at the time of the request for a provisional comparability finding or prior to the expiration of the provisional comparability finding, NMFS will classify the fishery in accordance with the definitions. The provisions for new entrants are discussed in the regulations implementing section 101(a)(2) of the MMPA (see 50 CFR 216.24(h)(8)(vi)).

How can a classification be changed?

To change a fishery's classification, nations or other interested stakeholders must provide observer data, logbook summaries, or reports that specifically indicate the presence or absence of marine mammal interactions, quantify such interactions wherever possible, provide additional information on the location and operation of the fishery (*e.g.,* nearshore in less than three meters of water), details about the gear type and how it is used, maps showing the distribution of marine mammals and the operational area of the fishery; information regarding marine mammal populations and the biological impact of that fishery on those populations, and/or any other documentation that clearly demonstrates that a fishery is either an export or exempt fishery.

The Intersection of the LOFF and Other Statutes Certifying Bycatch

What is the relationship between the MMPA import rule, the LOFF, and the affirmative finding process and yellowfin tuna purse seine fisheries in the eastern tropical Pacific Ocean?

Dolphin (family *Delphinidae*) incidental mortality and serious injury in eastern tropical Pacific yellowfin tuna purse seine fisheries are covered by section 101(a)(2)(B) and Title III of the MMPA (16 U.S.C. 1371(a)(2)(B) and 16 U.S.C. 1411–1417), implemented at 50 CFR 216.24(a)–(g). Nations must still comply with those provisions and receive an affirmative finding in order to export tuna to the United States. Tuna purse seine fishing vessels fishing for tuna with a carrying capacity of 400 short tons or greater that are governed by the Agreement for the International Dolphin Conservation Program (AIDCP) are not included in the LOFF, and are not required to apply for and receive a comparability finding. Purse seine vessels under 400 short tons and vessels using all other gear types operating in the eastern tropical Pacific must comply with the MMPA import rule. These fisheries are included in the LOFF and must apply for and receive a comparability finding.

What is the intersection of the U.S. shrimp certification program (Section 609 of Pub. L. 101–162) with the MMPA import rule?

Section 609 of Public Law 101–162 (''Sec. 609'') prohibits imports of certain categories of shrimp unless the President annually certifies to the Congress by May 1, 1991, and annually thereafter, that either: (1) The harvesting nation has adopted a program governing the incidental taking of sea turtles in its commercial shrimp fishery comparable to the program in effect in the United States and has an incidental take rate comparable to that of the United States; or (2) the particular fishing environment of the harvesting nation does not pose a threat of the incidental taking of sea turtles. On May 1, 2017, the Department of State certified that 13 shrimp-harvesting nations and four fisheries have a regulatory program comparable to that of the United States governing the incidental taking of the relevant species of sea turtles in the course of commercial shrimp harvesting and that the particular fishing environments of 26 shrimp-harvesting nations, one economy, and three fisheries do not pose a threat of the incidental taking of covered sea turtles in the course of such harvesting (83 FR 21295 May 5, 2017). All nations exporting wild-caught shrimp and shrimp products to the United States, regardless of whether they are certified under this provision, must also comply with the MMPA import rule, be included on the LOFF, and have a comparability finding. Nations in compliance with the MMPA import rule, but not certified under Public Law 101–162, cannot export wild-caught shrimp to the United States.

Classification Criteria, Rationale, and Process Used To Classify Fisheries

Process When Incidental Mortality and Serious Injury Estimates and Bycatch Limits Are Available

If estimates of the total incidental mortality and serious injury were available and a bycatch limit calculated for a marine mammal stock, NMFS used the quantitative and tiered analysis to classify foreign commercial fishing operations as export or exempt fisheries under the category definition within 50 CFR 229.2 and the procedures used to categorize U.S. fisheries as Category I, II, or III, at *http://www.nmfs.noaa.gov/pr/interactions/lof/.*

Process When Only Incidental Mortality and Serious Injury Estimates Were Available

In the majority of cases, however, NMFS either did not receive any information or found that the information provided was incomplete, lacking detail regarding marine mammal interactions, and lacking quantitative information on the frequency of interactions. Where nations provided estimates of bycatch (incidental or intentional mortality or serious injury) or NMFS found estimates of bycatch in published literature, national reports, or through other readily available sources, NMFS classified the fishery as an export fishery if the information indicated that there was a likelihood that the mortality and serious injury was more than remote. The code or designation in the LOFF for the determination ''presence of bycatch'' is recorded as ''*P*'' in the LOFF.

Alternative Approaches When Estimates of Marine Mammal Bycatch Are Unavailable

Because bycatch estimates were lacking for most fisheries, NMFS relied on three considerations to assess the likelihood of bycatch or interaction with marine mammals, including: (1) Co-occurrence, the spatial and seasonal distribution and overlap of marine mammals and fishing operations; (2) analogous gear, evaluation of records of bycatch and assessment of risk, where such information exists, in analogous U.S. and international fisheries or gear types; and (3) overarching classifications, evaluation of gears and fishing operations and their risk of marine mammal bycatch (see section below for further discussion). Published scientific literature provides numerous risk assessments of marine mammal bycatch in fisheries, routinely using these approaches to estimate marine mammal mortality rates, identify information gaps, set priorities for conservation, and transfer technology for deterring marine mammals from gear and catch. Findings from the most recent publications cited in this **Federal Register** notice, often demonstrate level of risk by location, season, fishery, and gear. A summary of the information used to support the designations described below is available in the annotated bibliography and the expanded LOFF with references and comments, at *www.nmfs.noaa.gov/ia/species/marine_mammals/mmpaloff.html.*

Co-Occurrence Evaluation

The co-occurrence of marine mammal populations with a commercial fishing operation can be a measure of risk. NMFS evaluated, when available, the distribution and spatial overlap of marine mammal populations and commercial fishing operations to determine whether the probability for marine mammal interactions or bycatch in that fishery is more than remote. Resources that NMFS used to consider co-occurrence include OBIS–SEAMAP *http://seamap.env.duke.edu/, http://www.hsi.org/assets/pdfs/mapping_marine_mammals.pdf* and *http://www.conservationecologylab.com/uploads/1/9/7/6/19763887/lewison_et_al_2014.pdf.* Additional sources in peer reviewed literature that provide documentation of co-occurrence are Komoroske & Lewison 2015; FAO 2010; Watson *et al.* 2006; Read *et al.,* 2006; Reeves *et al.,* 2004. The code or designation for ''co-occurrence'' is recorded as ''*C/O*'' in the LOFF.

Analogous Gear Evaluation

Where a nation did not provide documentation or information was not readily available on the amount of marine mammal bycatch in a fishery or the co-occurrence, NMFS classified a fishery as exempt or export by analogy to similar U.S. or international fisheries and gear types interacting with similar marine mammal stocks. NMFS consulted the United States' domestic MMPA List of Fisheries when classifying by analogy international fisheries *http://www.nmfs.noaa.gov/pr/interactions/fisheries/2017_list_of_*

fisheries_lof.html. NMFS also evaluated other relevant information including, but not limited to: Fishing techniques, gear used, methods used to deter marine mammals, target fish species, seasons and areas fished, qualitative data from logbooks or fisher reports, stranding data, the species and distribution of marine mammals in the area, or other factors. The code or designation for the determination ''analogous gear'' is recorded as ''*A/G*'' in the LOFF. Gear types commonly used in U.S. fisheries, such as longline, gillnet, purse seine, trawl, and pot/trap, were identified as ''analogous gear'' in the justification section of the LOFF. Gear types not commonly used in U.S. waters, such as Danish seine, ring nets, lift nets or large pound nets off Southeast Asia, however, could not be compared to an analogous gear or fishery in the United States.

Classification in the Absence of Information

When no analogous gear, fishery, or fishery information existed, or insufficient information was provided by the nation, and information was not readily available, NMFS classified the commercial fishing operation as an export fishery per the definition of ''export fishery'' at 50 CFR 216.3. These fishing operations will remain classified as export fisheries until the harvesting nation provides the reliable information necessary to classify properly the fishery or, in the course of revising the LOFF, such information becomes readily available to NMFS. The code or designation for the determination ''no information'' is recorded as ''*N/I*'' in the LOFF.

Multiple Codes and Additional Terms in the LOFF

In some cases, NMFS recorded multiple codes as the rationale for a fishery classification. For example, NMFS may have received insufficient information from a nation, still lacks information in some columns, yet classified the fishery by analogy. In that instance, the codes used to classify the fishery would be: ''*N/I, A/G.*''

Additional terms in the LOFF include ''none provided,'' ''no information,'' and ''none documented''. ''None provided'' indicates the nation did not provide information and no information could be found through research and literature searches. ''None documented'' indicates that neither the nation nor reference material have documented interactions with marine mammals either through observers or logbooks. ''No information'' indicates that the nation provided information but did not specifically provide information on the marine mammal species interacting with a fishery or estimates of marine mammal bycatch.

Overarching Classifications

Below is a discussion of the overarching fishery classifications of gillnets, longlines, purse seines, trawls, and aquaculture, and their interactions with marine mammals.

Gillnets

Because the available information indicates that there is a likelihood that the mortality and serious injury caused by gillnets is more than remote, NMFS has classified all gillnet fisheries as export fisheries in the draft LOFF. Several U.S. gillnet fisheries, which are analogous to some fisheries considered in the LOFF, have been categorized as Category I fisheries under the MMPA. Records show that between 1990 and 2011, bycatch in gillnets continues to affect many dolphins (*odontocetes*); namely 56 of the 74 recognized species (75%) have been bycaught in gillnets (Reeves *et al.* 2013). Additionally, records indicate that nine species of the 14 recognized species of whales have been bycaught in gillnets. For seals and sea lions, 14 of the 18 extant species of *phocid* seals were captured in gillnets; and of the 14 species of *otariid* seals and sea lions (including one extinct species), seven have been bycaught in gillnets (Reeves *et al.* 2013). Since 1990, marine mammal bycatch in gillnets has increased and consistently poses a significant risk to marine mammals (Reeves *et al.* 2013). In particular, Lewison *et al.* (2014) found that gillnets for finfish have high bycatch intensity in various fishing regions of the world.

International and regional marine mammal and fishery management organizations such as ACCOBAMS (2008), ASCOBANS (2009), CMS (2011), FAO (2000), ICES (2013), IOTC (2014), and IWC (2004) have conducted workshops, collected information, and published findings documenting the high risk gillnets pose to marine mammals.

Based on the available information, NMFS has designated all gillnet fisheries as export fisheries. Nations wishing to challenge this designation must provide observer or logbook data sufficient to refute this determination. When possible, NMFS requests nations provide documentation that demonstrates that a gillnet fishery poses a remote likelihood of incidental mortality and serious injury to marine mammals.

Longlines

Because the available information indicates that there is a likelihood that the mortality and serious injury caused by longlines is more than remote, NMFS classified all longline fisheries as export fisheries. U.S. longline fisheries, which are analogous to some fisheries considered in the LOFF, have been categorized as Category I fisheries under the MMPA.

In longline fisheries, hooking, entanglement, and boat strikes account for some mortality and serious injury, but not all interactions or depredation may have this result. Interactions of marine mammals with longline fisheries are likely to be under-reported (Clarke 2014). Though not as great a threat for cetaceans globally as compared with other gear types, longline bycatch is a threat to several species and populations, including false killer whales (*Pseudorca crassidens*), Risso's dolphin (*Grampus grise*us), and pilot whales (*Globicephala spp.*) in the Northwest Atlantic (Werner 2015). Killer whales (*Orcinus orca*) and sperm whales (*Physeter macrocephalus*) appear to be the main species involved with demersal longline fisheries at higher latitudes, while false killer whales (*Pseudorca crassidens*) and pilot whales (*Globicephala spp.)* appear to be the primary species involved with pelagic longline fisheries at lower latitudes (Hamer 2012).

In a 2010 bycatch workshop with tuna RFMOs, the FAO found that progress on quantifying tuna RFMO fishery impacts on marine mammal populations and related progress in mitigating or reducing the mortality has been slow, because the priority for fishers is the adoption of measures to reduce or eliminate depredation and gear damage (FAO 2010). In tuna longline fisheries, which represent a significant portion of fisheries that export seafood to the United States, cetaceans are occasionally entangled and hooked. Any entanglement could be mitigated by the use of voluntary or mandated best practices to avoid bycatch by the tuna fishing industry; however, to date, the application of such techniques has been limited (Gilman 2011).

Only through an evaluation of the bycatch rate and a determination of overall risk of bycatch associated with longline fishing can definitive case-by-case classifications be made for longline fisheries. NMFS invites nations who are parties and cooperating non-parties to RFMOs to join us in urging their respective RFMOs to undertake, as a research priority, such a risk assessment and analyze logbook and observer data

to analyze the marine mammal bycatch risk posed by longline fisheries.

NMFS designated all longline fisheries as export fisheries. Nations wishing to challenge this designation must provide observer or logbook data sufficient to refute this determination. When possible, NMFS requests that nations provide documentation that demonstrates that a longline fishery poses a remote likelihood of incidental mortality and serious injury to marine mammals.

Purse Seines

Because the available information indicates that there is a likelihood that the mortality and serious injury caused by purse seines is more than remote, NMFS classified several types of purse seine fisheries as export fisheries. Purse seine gear is documented to have marine mammal bycatch globally (Anderson 2014, Hall 2013, NOAA Tech Memo 2011). A portion of tuna exported to the United States is captured with purse seines, documented to have marine mammal bycatch (Anderson 2014, Gilman 2011, IOTC 2010). Marine mammal interactions have been documented in purse seine fisheries other than those for tuna, including anchovy (Gonzales 2015), sardine (Prajith 2014), and small scale coastal fisheries for various species (Mustika, 2014, Kiszka 2008).

Purse seine fisheries for tuna are, with some exceptions, managed through RFMOs according to agreements entered into by member nations. Five tuna RFMOs manage fisheries in the Southern Ocean, Indian Ocean, Eastern Tropical Pacific, Western and Central Pacific, and Atlantic. Only three RFMOs have adopted measures to mitigate marine mammal bycatch in purse seine fisheries or prohibit entirely the intentional encirclement of marine mammals with purse seines. Specifically, the Inter-American Tropical Tuna Commission serves as the secretariat for the International Dolphin Conservation Program; the Indian Ocean Tuna Commission prohibits members from intentionally setting on cetaceans; and the Western and Central Pacific Fisheries Commission also prohibits intentionally setting on schools associated with cetaceans, and requires reasonable steps to ensure safe release of marine mammals. The International Commission for the Conservation of Atlantic Tunas and the Commission for the Conservation of Southern Bluefin Tuna do not prescribe marine mammal conservation measures.

NMFS designated most non-tuna purse seine fisheries as export fisheries. Purse seine fisheries outside tuna RFMO areas of jurisdiction are designated as export fisheries. Tuna fisheries within the jurisdiction of RFMOs lacking measures that prohibit intentional encirclement are export fisheries. Tuna fisheries within the jurisdiction of RFMOs with measures that prohibit intentional encirclement are exempt fisheries, unless information submitted by nations or readily available scientific information shows that the fishery has more than a remote likelihood of incidental mortality and serious injury of marine mammals in the course of its commercial fishing operations. Nations wishing to challenge these designations must provide observer or logbook data sufficient to refute this determination. When possible, NMFS requests nations provide documentation that demonstrates that purse seine gear in a particular fishery poses a remote likelihood of incidental mortality and serious injury to marine mammals.

Trawl

Because the available information indicates that there is a likelihood that the mortality and serious injury caused by trawl fisheries is more than remote, NMFS classified several types of trawl fisheries as export fisheries. U.S. trawl fisheries with marine mammal bycatch, which are analogous to some fisheries considered in the LOFF have been categorized as Category II fisheries under the MMPA.

Trawl fisheries, including bottom, mid-water, and pelagic trawls, have been documented to globally interact with marine mammals (Peltier *et al.* 2016, Komoroske & Lewison 2015, Read 2014, Brown 2014). Pinnipeds are more likely to be entangled in industrial pair and pelagic trawl fisheries (Machado 2015, Lobao-Tello *et al.* 2013). ICES (2010) has identified pelagic trawl nets as posing a risk of cetacean bycatch. Northridge *et al.* (2011) documented bycatch of harbor porpoises, bottlenose dolphins, common dolphins, pilot whales, minke whales, grey and harbor seals in mid-water and pair trawl fisheries in the North Atlantic. Trawl bycatch intensity was found to be higher in certain regions (Lewison *et al.* 2014).

Nations wishing to challenge that designation must provide observer or logbook data sufficient to refute this determination. When possible, NMFS requests nations provide documentation that demonstrates that a trawl fishery poses a remote likelihood of incidental mortality and serious injury to marine mammals.

Aquaculture

Based on the available information, NMFS has designated most aquaculture operations for which nations submitted information as exempt fisheries unless there is a record of entanglement or intentional killing in such aquaculture operations. Because the MMPA import rule applies to aquaculture facilities sited in marine mammal habitat, where deterrence measures (*e.g.,* anti-predator nets) may incidentally or intentionally kill and seriously injury marine mammals, NMFS evaluated an array of aquaculture operations, some of which have no analogous operations or characteristics to operations in the United States. Aquaculture operations for finfish (especially salmon), mollusks, seaweed, and other species are proliferating globally. Since 1990, annual production of salmonid farms has increased from 299,000 to 1,900,000 tons (FAO 2012), and accompanying this expansion has been an increase in conflicts with marine mammals, especially pinnipeds. Pinniped depredation is a major problem at many aquaculture facilities in Europe, Chile, Australia, and South Africa (Kemper *et al.* 2003). Some nations use anti-predator nets as a deterrent.

In some aquaculture operations, bycatch of marine mammals in anti-predator nets occurs occasionally, although direct killing, harassment, and exclusion from preferred habitat may pose more serious problems for marine mammal populations (Kemper *et al.* 2003). Fatal entanglements of *odontocetes* in aquaculture anti-predator nets appear to be infrequent; however, dolphin deaths in such nets have been reported from salmon and tuna facilities in Australia and Chile (Kemper *et al.* 2003).

Literature documenting marine mammal interactions and the risk of marine mammal interactions with aquaculture equipment, or fish cages is lacking. For net pens and fish cages, the most damaging marine mammal interactions are with pinnipeds, while dolphins, porpoises and whales are viewed as a minor threat. Dolphins have been documented feeding on wild fish attracted to marine fish farms off Italy but were not reported to predate the caged fish (Díaz López *et al.* 2005). In a five-year study of Italian sea bass, sea bream, and meagre cages, Díaz López (2012) observed individually identified dolphins to assess patterns of habitat use and farm fidelity. Dolphins near farms typically foraged on wild fish concentrated in the farm but also fed on discarded or escaping fish during harvesting operations. Annual dolphin mortality was 1.5 per year, and five animals were found entangled in nets during the study period. The potential for marine mammals to become

entangled and drown in farm structures or lines is a concern (Würsig and Gailey 2002). From surveys at marine fish farms off Italy, Díaz López and Shirai (2007) estimated one bottlenose dolphin mortality per month due to entanglement with farm nets.

Mussel aquaculture is a growing industry, with coastal and offshore waters being utilized for mussel aquaculture farms. This form of aquaculture uses ropes in the water column that pose an entanglement risk to marine mammals, particularly whales, although the extent of the risk is undetermined. In 2015, a Pacific right whale was documented entangled in, but successfully disentangled and released from, the grow-out ropes of mussel farm gear in Korea (Young, 2015). A Bryde's whale was entangled in mussel spat lines off the coast of New Zealand (Lloyd 2003). A humpback calf was found entangled in mussel spat-collecting rope off Western Australia but was disentangled and released (Groom & Coughran, 2012). Finally, a humpback whale died from entanglement in single dropper spat- collectors at an experimental mussel farm in northwest Iceland (Young, 2015). Given this information, the placement of aquaculture farms in waters that are critical habitats and migratory routes for endangered species, can increase the risk of entanglements, and in so doing can change the classification of the aquaculture operation.

Review of the NMFS U. S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments (Waring et al. 2012, 2015) finds very few verified instances of marine mammals being injured by or entangled in aquaculture gear. U.S aquaculture facilities are Category III fisheries, because there are no known incidental mortalities or serious injuries of marine mammals in these operations, and they are considered to have a remote likelihood of marine mammal interactions. Therefore, by analogy, NMFS is proposing to classify all aquaculture operations for which nations provided information (or for which scientific information is readily available) as exempt in the LOFF, absent information and evidence that a particular aquaculture operation has more than a remote likelihood of incidental mortality and serious injury of marine mammals, NMFS is seeking comment on this classification. However, NMFS has classified as export fisheries aquaculture facilities with a record of entanglement or a history of intentional killing. A harvesting nation must demonstrate that all aquaculture operations, regardless of their classification, sited in marine mammal habitat or interacting with marine mammals, are prohibited from the intentional killing or serious injury of marine mammals in the course of aquaculture operations or have established procedures to reliably certify that exports of fish and fish products to the United States are not the product of an intentional killing or serious injury of a marine mammal.

While NMFS desires more information about the environmental risk of these operations, particularly mussel rope and cage aquaculture, to marine mammals and urges the industry to develop mitigation techniques to avoid potential entanglements or reduce their severity, the documented interactions have been mostly non-life threatening. Nevertheless, in developing the LOFF, NMFS has evaluated, and will continue to evaluate, aquaculture operations on a case-by-case basis, considering the operation's measures to reduce interactions, prohibit intentional mortality, and reduce incidental mortality and serious injury of marine mammals (*e.g.,* use of anti-predator nets and the prohibition on intentional killing).

Fisheries or Gear Types Excluded From This Rule or That are Generally Listed as Exempt

In the implementing regulations and the LOFF, NMFS has defined ''*commercial fishing operation*'' as: Vessels or entities that catch, take, or harvest fish (as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)) from the marine environment (or other areas where marine mammals occur) that results in the sale or barter of all or part of the fish caught, taken or harvested. The term includes aquaculture activities that interact with or occur in marine mammal habitat. Consequently, this rule does not apply to any land-based or freshwater aquaculture operations; these commercial fishing operations do not occur in marine mammal habitat.

Additionally, there are several gear types in the U.S. List of Fisheries that are consistently and broadly classified as category III fisheries with no documented marine mammal catch (see *http://www.nmfs.noaa.gov/pr/interactions/fisheries/2016_list_of_fisheries_lof.html#table3_cat3*). NMFS has classified those fisheries as Category III because there are often no known incidental mortalities or serious injuries of marine mammals in these fisheries, and there is a remote likelihood of marine mammal mortalities and serious injuries given that the fishing method or gear is highly selective. These include:

- handline
- harpoon
- hook and line
- pole and line
- spearfishing
- aquarium collecting
- cast net
- hand collection
- loop net
- rake/tongs
- diving

By analogy, NMFS classified these gear types as exempt in the LOFF.

What was the process for notification and the classification for fisheries where nations failed to provide information?

NMFS first informed nations of the requirements of the MMPA import rule and the process to develop the LOFF via a cable sent to all trading partners in September 2016. On December 21, 2016, NMFS sent a letter to the Washington, DC embassy of each trading partner officially requesting the information needed to create the LOFF. The letter included explicit details about the type of information needed. From March through June 2017, NMFS followed up on these requests by phone, emails, and in some cases, visits to embassies in the United States, requesting information on nation's fisheries that export to the United States. Additionally, NMFS searched readily available information, including FAO documents, in an attempt to classify fisheries for which nations failed to provide sufficient information or provided no information at all. If nations submit information during this comment period on the draft LOFF, NMFS will consider this information when developing the final LOFF.

As discussed above, NMFS classified as export fisheries all fisheries from nations that failed to respond to requests for information or provided insufficient information about a fishery and for which information was not readily available as stipulated in the implementing regulations defining export and exempt fishery (see 50 CFR 216.3 Definitions of Export and Exempt Fishery).

Nations that Failed to Provide Information

The following nations failed to provide information on their fisheries, and NMFS did not find available information to classify their fisheries; consequently, NMFS classified all these nations' fisheries as export fisheries (see 50 CFR 216.3 Definitions of Export and Exempt Fishery).

- British Virgin Islands (BVI) failed to provide data for exports of marine fish,

toothfish, snapper and squid. BVI maintains that it does not export fish and fish products to the United States.

• Cameroon failed to provide data for exports of groundfish (cod, cusk, haddock, hake, pollock, sole), mackerel, herring, snail, mussels, oysters, crawfish, crustaceans, tilapia, and shrimp. These species may be harvested with longlines and gillnets. Indications of marine mammal bycatch in longlines (Werner 2014) and gillnets (Ayissi *et al.* 2014) are documented; however, the target species for these gear types are not identified in the literature for Cameroon.

• China also did not provide information, and the data readily available and used to classify China's fisheries that export to the United States may not accurately characterize existing aquaculture operations, processing operations, and wild-capture fisheries.

• Haiti failed to provide data for exports of conch, coral, crab, lobster, molluscs, sea cucumbers, and shrimp. Haiti has not exported fish or fish products to the United States since 2012.

Classification for Fisheries of Nations Identified as Solely Intermediary Nations

NMFS defines an intermediary nation as a nation that imports fish or fish products from a fishery on the LOFF and re-exports such fish or fish products to the United States. To prevent any fish or fish products subject to import prohibitions authorized by the MMPA import rule from being imported into the United States from any intermediary nation, including a processing nation, NMFS includes provisions for intermediary nations (see 50 CFR 216.24 (h)(9)(iv)). NMFS requested that intermediary nations provide information on the fisheries and nations that are the source of any imported product that they process and export to the United States. Many nations failed to provide this information; NMFS continues to urge them to do so.

Based on the information received or obtained, the following nations are solely intermediary nations: Belarus, Monaco, and Switzerland. Israel is predominantly an intermediary nation except for the export of seaweed, tuna, and freshwater species-derived caviar. Nations are encouraged to identify and indicate the fish and fish products for which they are acting as intermediary nations.

Nations That Do Not Have a Consistent History of Exporting Fish and Fish Products to the United States and Are Not Included in the List of Foreign Fisheries

In reviewing the import data, information submitted by nations, and readily available information, NMFS identified twenty-five trading partners that either exported solely freshwater species or had a sporadic or inconsistent export history with the United States. Table 1 summarizes the nations that NMFS has determined will not be included in the LOFF and are not subject to any of the requirements of the MMPA import rule. However, if any of these nations wish to export fish and fish products to the United States, they must contact NMFS and satisfy the requirements of the MMPA import rule.

TABLE 1—NATIONS SUGGESTED FOR REMOVAL FROM THE MMPA LOFF AND THE JUSTIFICATION FOR REMOVAL

Bolivia
- Justification—Landlocked nation, low level of U.S. fish imports from Bolivia.
- Detail—Landlocked nation. In 2006 & 2015, the U.S. imported fish and shellfish meal not for human consumption, and fish eggs only in 2006. In 2013, Bolivia exported seaweed to the U.S.
- *http://www.st.nmfs.noaa.gov/commercial-fisheries/foreign-trade/.*
- *http://www.fao.org/fi/oldsite/FCP/en/bol/profile.htm.*
- *http://www.fao.org/fishery/facp/BOL/en.*

Bosnia Hercegovina
- Justification—Export conch (2015), grouper, snapper, and swordfish (2003).
- Detail—Very small amount of coastline on the Adriatic Sea. ''The role of maritime areas in the total national economy is very small. There are no exact figures on the performance of the economy but it is estimated (Strategy for development of tourism of Bosnia and Herzegovina) that the GDP from the maritime area of Bosnia and Herzegovina is less than 1 percent of the total GDP of the country (European Commission, 2014 H).''
- Fisheries are artisanal and sold domestically or captured for domestic aquaculture.
- *http://www.fao.org/3/a-au016e.pdf.*
- *http://www.fao.org/fishery/facp/BIH/en.*

Burkina Faso
- Justification—Landlocked; only export waxes.
- Detail—Have exported ''waxes, may include spermaceti'' to the U.S. in 2010, 2013, 2014, and 2016. Further consultation with NMFS Office of Science and Technology (S&T) and Customs and Border Protection (CBP) revealed that since cessation of commercial whaling and whale product imports, ''waxes'' encompasses waxes not derived from spermaceti whale oil, such as beeswax.

Cayman Islands
- Justification—Only toothfish exports which may be an error.
- Detail—Consultations with S&T, CBP, and NOAA experts on the *Dissostichus* catch documentation scheme indicate that attribution of toothfish catch to Cayman Islands is likely a recording error of ''last port'' vs. ''origin of product.'' NMFS contacted the Caymans, and they have no records of toothfish exports. Further, the catch documentation scheme ensures that toothfish cannot enter the United States without valid catch documentation.

Central African Republic (CAR)
- Justification—Landlocked, possible processor only.
- Detail—Exported processed squid in 2016, lobster, yellowfin and swordfish 2000–2001. Aquaculture for domestic use only. *http://www.fao.org/3/a-au069e.pdf* FAO indicates that CAR does not have an export market for fish products: Table 2.
- *http://www.fao.org/fishery/facp/CAF/fr.*

Chad
- Justification—Landlocked; Last 17 years only product exported was thickeners derived from seaweed (2015).
- Detail—Landlocked, local economy produces no exports of fish for human consumption to U.S. from Chad.
- *http://www.fao.org/fishery/facp/TCD/fr.*

Christmas Island, territory of Australia
- Justification—During the last 17 years exports have been sporadic, clam or crab in 2002, 2003, 2004, 2007, fish liver, roe 2016.
- Detail—Australia indicated that no export fisheries originate from Christmas Island.

Cocos Island
- Justification—Freshwater fish exports.

TABLE 1—NATIONS SUGGESTED FOR REMOVAL FROM THE MMPA LOFF AND THE JUSTIFICATION FOR REMOVAL—Continued

Detail—Between 2000 and 2017, Cocos Island has exported tilapia once to the U.S. Australia noted hand collection of giant clam for aquaculture and re-seeding in the waters around Cocos Island, but these products are not entering the U.S. via Cocos Island.

Ethiopia

Justification—Landlocked, only product exported is waxes.

Detail—Consultation with NMFS S&T and CBP revealed that since cessation of commercial whaling and whale product imports, ''waxes'' encompasses wax that is not made from spermaceti whale oil, likely beeswax. Ethiopia confirmed the wax was beeswax.

Ethiopian fisheries are entirely from aquaculture with limited exports.

http://www.fao.org/fishery/facp/ETH/en.

French Guiana

Justification—Freshwater fish in 2016, no exports to the U.S. 2001–2015.

Details—Rule does not apply to freshwater fisheries.

Hungary

Justification—Landlocked; Seaweed and other algae, historically caviar (2014).

Details—Hungary has extensive inland capture fisheries, pond aquaculture, and fish farming. Carps are the most popular fish species in capture fisheries (54%) and pond aquaculture (82%) while African catfish is the dominant fish in intensive fish farming. Inland waters have high value predator species such as pikes, catfish and pike perch, which were not exported to the U.S. Given the inland nature of Hungarian fisheries, the export of seaweed is likely from inland freshwater aquaculture and fish farming and is therefore not included under this rule.

Kazakhstan

Justification—Landlocked; Solely freshwater fisheries, some caviar.

Details—The MMPA import rule does not apply to freshwater fisheries. The last U.S. import of caviar (aquaculture) was in 2010. Aquaculture is on the rise, but fish farming is expensive to maintain and consequently results in very few exports.

ftp://ftp.fao.org/FI/DOCUMENT/fcp/en/FI_CP_KZ.pdf.

Kyrgyzstan

Justification—Landlocked; Oysters, canned (2004), dolphinfish and tilapia (2013), marine fish (2015).

Details—In the last 17 years, U.S. importation records show imports for only the three years listed above. Import reports/records may be an error, generally there are no consistent seafood imports to the U.S. from this nation.

Macedonia

Justification—Landlocked; Exported fish paste in 2016.

Details—Exported fish paste (2016 and 2010), and processed tuna in 2010. Their fisheries are entirely freshwater, for which the rule does not apply.

ftp://ftp.fao.org/FI/DOCUMENT/fcp/en/FI_CP_MK.pdf.

Mali

Justification—Landlocked, main export is waxes 2003 to 2015.

Details—Mali exported to the U.S. grouper and processed fish in 2009, and solely waxes were exported to the U.S. other years, with no exports to the U.S. between 2015–present.

ftp://ftp.fao.org/FI/DOCUMENT/fcp/fr/FI_CP_ML.pdf (in French).

Moldova

Justification—Landlocked; Export is aquaculture derived caviar.

Details—Moldova exported tuna and caviar in 2012 and 2016, caviar only in 2015. FAO has no record of tuna or caviar harvest in Moldova:

ftp://ftp.fao.org/FI/DOCUMENT/fcp/en/FI_CP_MD.pdf.

It appears that most of the sturgeon caviar harvest is derived from aquaculture:

http://www.aquatir.md/?lang=en (and other google searches).

Mongolia

Justification—Landlocked, freshwater fisheries only.

Details— Mongolia exported to U.S. seaweed unfit for human consumption in 2016 (processed product). No FAO fishery profile. The MMPA import rule does not apply to freshwater inland fisheries.

Monserrat

Justification—freshwater aquaculture; No exports to U.S. from 2000–2017 with exception of tuna in 2012.

Details—It appears that Monserrat has no active commercial tuna fishery (*http://waittinstitute.org/wp-content/uploads/2016/11/5_Montserrat-Fisheries-Assessment-final.pdf,* and targeted searches), no FAO fishery profile.

Serbia

Justification—No exports 2000–17 with the exception of tuna in 2012.

Details—Landlocked, Rule does not apply to freshwater aquaculture. No FAO fishery profile. (*http://www.fao.org/fishery/countrysector/naso_serbia/en*). Do not and have not fished for tuna as members of International Convention for the Conservation of Atlantic Tunas.

Slovakia

Justification— Landlocked; Freshwater pond aquaculture.

Details— U.S. does not import aquaculture product from Slovakia. The U.S. imported bigeye and yellowfin tuna in 2013 and pickled herring in 2014. Neither are products that Slovakia is likely harvesting or processing.

ftp://ftp.fao.org/FI/DOCUMENT/fcp/en/FI_CP_SK.pdf.

Somalia

Justification—U.S. imported shrimp in 2002, lobster (Homarus spp.) in 2004, and coral/shells in 2015.

Details—The Homarus lobster is not native to the Indian Ocean; therefore, this product is likely a re-export or reporting error. Coral and shell fisheries are predominantly hand collection fisheries and have a remote likelihood of marine mammal interaction. NMFS was unable to find evidence of an existing shrimp fishery. Possible import recording issue as the U.S. is not actively importing any product from Somalia. (*http://www.fao.org/fi/oldsite/FCP/en/SOM/profile.htm*).

Tokelau Islands, Territory of New Zealand

Justification—No commercial fisheries.

Details—2000–2017 U.S. Trade Data shows records of exports of marine fish (2001, 2007, 2008, 2009) seabass (2010, 2011, 2012) and Bluefin tuna (2016). However, several reports indicate the absence of commercial fisheries operating in Tokelau (Dalzell *et al.,* 1996; Passfield, 1998). All fishing activities are subsistence. In addition, seabass is not a species found in Tokelau. Tokelau does not have the food safety regulations to export fish to another nation and is not a flag state or port state.

Togo

TABLE 1—NATIONS SUGGESTED FOR REMOVAL FROM THE MMPA LOFF AND THE JUSTIFICATION FOR REMOVAL—Continued

Justification—Few and inconsistent exports.
Details—We found evidence that Togo's fisheries for shrimp are subsistence, artisanal fisheries; likewise, Togo's tuna fisheries are solely artisanal fisheries with no current active industrial fishery although foreign-flagged and IUU vessels target tuna in Togo's waters. Togo's sardine fishery consists of industrial trawl and artisanal beach seine operations, with no evidence that these are commercial and exporting fisheries (*https://s3-us-west-2.amazonaws.com/legacy.seaaroundus/doc/Researcher+Publications/dpauly/PDF/2015/Working+Papers/MarineFisheriesTogo.pdf*). Togo's snail (other than sea snail) are freshwater species for which the rule does not apply. Finally, the crustacean fishery is lagoon-based (artisanal and subsistence) with limited exports to international markets.

Uganda
Justification—Landlocked, only export freshwater species.
Details—From 2000–2009, U.S. Trade Data records show some processed marine fishery products imported to the U.S via Uganda; however from 2012 to 2017, exports have been exclusively Nile perch, a freshwater species for which the MMPA import rule does not apply.

Uzbekistan
Justification—Landlocked; Freshwater species only.
Details—No imports 2014–2017, in 2013 Uzbekistan exported freshwater species only; and, from 2009–2012, the predominant exports were freshwater fish species with some exports of processed ''marine fish.'' For freshwater species the MMPA import rule does not apply.
http://www.fao.org/fishery/facp/UZB/en.

Assumptions Made in the Development of the LOFF

Fishery Products

NMFS assumed that seafood products imported by the U.S. between the years 2000 and 2017 would be a reasonable basis for the list of target species included in the draft LOFF for each harvesting nation, unless the nation indicated that the fishery no longer occurs, the species is a re-export, (*e.g.,* because the nation is only the processor for that fish or fish product), or the reported export of that seafood species/product to the United States was a data reporting error. For those fish and fish products listed on the U.S. Trade database, NMFS initially assumed that a fishery was associated with those products and looked to exporting nations to confirm their status as either the harvesting nation, intermediary nation, or both.

NMFS assumed that species or products that were associated with a gear type were wild caught and not aquacultured, with one exception. Unless occurring in the wild in a given country, NMFS assumed tilapia was produced by aquaculture operation.

Area of Operation

To the extent possible, NMFS listed a harvesting nation's fisheries that take place in a foreign Exclusive Economic Zone (EEZ) or on the high seas under that harvesting nation's LOFF, rather than under the LOFF of the nation in whose EEZ the fishing took place.

Hand Collection Fisheries for Corals, Sponges, Shells

Where no information was provided by a nation and the U.S. has imported corals, sponges, and/or shells from that nation, these fisheries were designated as a gear type of ''hand collection'' and subsequently labelled an exempt fishery. There is limited aquaculture of corals for export, though aquaculture-raised coral would also be hand collected and labelled an exempt fishery.

Duplication of Marine Mammal Interactions Based on Gear Type With No Associated Target Fishery Species

Where nations did not indicate target species and failed to provide fishery information in the form of: (1) A gear type and associated marine mammal interaction, or (2) a gear type and specific area of operation with associated marine mammal interaction, NMFS assumed that any instance of that gear type for any target species, or that gear type operating in a specific area of operation for any corresponding target species also reported, had the same likelihood or prevalence of marine mammal interaction. Any species or bycatch numbers provided in these instances were copied across target fisheries. Nations are encouraged to notice where duplication may have occurred and provide documentation to support changes to the bycatch species or bycatch estimates.

Toothfish (Dissostichus spp.) Catch Documentation Scheme (CDS)

Antarctic and Patagonian toothfish (*Dissostichus spp.*) are fished under a strict catch documentation scheme (CDS) in order to prevent trade in toothfish harvested in contravention of Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) Conservation measures. The CDS allows for supply chain tracking of toothfish from point of harvest. Only Members and nations that are Party to the Convention are permitted to participate in the CDS for toothfish with the exception of the Seychelles, which is the sole Non-Contracting Party (NCP), permitted to participate in the CDS. As in the case of the Cayman Islands discussed above, instances where the NOAA S&T and CBP import data indicated the U.S. received toothfish from an NCP were crosschecked against the CDS and were determined to likely be the result misreporting a vessel's ''last port'' as its ''point of origin.'' As the U.S. already prohibits the importation of toothfish without a valid Dissostichus Catch Document, NMFS discarded these cases from the LOFF. For more information, see *https://www.ccamlr.org/en/compliance/catch-documentation-scheme-cds.*

Summary

NMFS reviewed information from or related to more than 160 trading partners. NMFS eliminated 25 nations from the LOFF (see Table 1 for a list of these nations and the rationale used for eliminating them from the LOFF). The draft LOFF is comprised of 138 nations for a total of 720 exempt and 3,270 export fisheries. The LOFF, an expanded LOFF containing references, a list of Intermediary nations and their associated products, and list of fisheries and nations where the rule does not apply can found at *www.nmfs.noaa.gov/ia/species/marine_mammals/mmpaloff.html.* An annotated bibliography with supporting references can be found at *www.nmfs.noaa.gov/ia/species/marine_mammals/mmpaloff.html.*

Impact of the LOFF on Largest Trading Partners by Volume and Value

Below is a table containing the twenty largest imports by volume and value, an assessment of the data they provided, and their risk of marine mammal bycatch. NMFS based its assessment of the quality of the data supplied by

nations based on the completeness and amount of detail in the information provided. The number of export and exempt fisheries is a tally of those fisheries after NMFS analysis of the LOFF. The overall risk of marine mammal bycatch is based on the type of gear most prevalent in the nation's fisheries and the information provided by those nations related to marine mammal fisheries interactions.

Chile, Peru, Argentina, and Ecuador have large numbers of small gillnet, purse seine, and trawl vessels with marine mammal bycatch. Canada's pot fisheries for lobster and snow crab have high levels of large whale bycatch. Canada also has bycatch in its gillnet fisheries and permits the intentional killing of marine mammals in aquaculture operations. Indonesia, Thailand, and Vietnam have large processing and aquaculture sectors; their vulnerability lies in their apparent inability to assess and mitigate marine mammal bycatch. If these nations estimate their marine mammal bycatch or provide more detailed information about their fishery operations, NMFS may be able to reclassify as exempt additional fisheries.

The Russian Federation, Japan, Mexico, and China provided little to no information to enable a full assessment of their fisheries and level of marine mammal risk. Japan's marine mammal bycatch is particularly large in its pound net fisheries, whereas the Russian Federation's bycatch is predominantly in its pot and trawl fisheries. Mexico's marine mammal bycatch includes its gillnet and trawl fisheries in the Gulf of Mexico and the Gulf of California. India's fishery bycatch is predominantly in its coastal gillnet fisheries which includes tens of thousands of vessels. Taiwan has bycatch in their longline fisheries and their drift gillnet fisheries. The United Kingdom has bycatch of harbor porpoise and common dolphins in gillnet and trawl fisheries.

Nations, some not on this list, with a high level of documented marine mammal bycatch include South Korea (pound nets and gillnets); New Zealand (all gear types, especially trawl); and Australia (trawl and longline). However, NMFS recognizes that this evaluation may be highly influenced by the advanced assessment capabilities of these nations. New Zealand and Norway may be the only nations to have currently calculated a bycatch limit. Norway's information demonstrates bycatch of harbor porpoise, gray seal, and harbor seal in excess of the bycatch limit in its gillnet fisheries.

TABLE 2—LIST OF THE TWENTY LARGEST IMPORTS BY VOLUME AND VALUE AND AN ASSESSMENT OF THE DATA THEY PROVIDED AND THEIR RISK OF MARINE MAMMAL BYCATCH

Nation	Quality of data supplied	Number of export/exempt fisheries	Overall risk of marine mammal bycatch
Canada	Excellent	163/82	Average/High.
China	Poor	110/3	Unknown.
Indonesia	Fair	13/25	Low.
Thailand	Fair	76/12	Average.
Chile	Good	46/39	Average/High.
India	Poor	24/2	Unknown.
Vietnam	Fair	26/14	Low.
Ecuador	Good	21/6	High.
Mexico	Fair	40/24	Average.
Russian Federation	Poor	114/0	Average/High.
Japan	Poor	197/18	High.
Philippines	Good	16/4	Low.
Peru	Good	70/34	Average/High.
Argentina	Good	65/9	Average.
Iceland	Excellent	27/2	Average.
Honduras	Poor	4/6	Unknown.
Taiwan	Good	19/3	Average/High.
South Korea	Excellent	604/44	High.
New Zealand	Excellent	81/25	Average/High.
United Kingdom	Good	56/8	Average/High.

Request for Input

In addition to the requested information in this **Federal Register** notice, NMFS is interested in receiving public comment and supporting documentation in response to the following:

1. Should all marine aquaculture involving lines, such as seaweed, mussels, oysters, and other shellfish be considered an exempt fishery? Why or why not?
2. Should net pen aquaculture for tuna be considered an exempt fishery? Why or why not?
3. Should net cage aquaculture for finfish be considered an exempt fishery? Why or why not?
4. Should lift net or other such nets be considered an exempt fishery? Why or why not?
5. Would nations prefer to submit their information in the form of a database?
6. Should nations with only exempt fisheries be allowed to apply for a comparability finding every eight years rather than every four years?

References

Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS) 2008. International Workshop on Cetacean Bycatch within ACCOBAMS Area. Rome (FAO HQs), Italy, 17–18 September 2008

Anderson, R.C. (2014) Cetaceans and Tuna Fisheries in the Western and Central Indian Ocean. IPNLF Technical Report 2, International Pole and Line Foundation, London. 133 pages.

Agreement on the Conservation of Small Cetaceans in the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS) 2009. Cetacean Incidental Catches in Fisheries: Report on the Implementation of Certain Provisions of the Council Regulations (EC) No. 812/2004 and on a Scientific Assessment of the Effects of Using in Particular Gillnets, Trammel Nets, and Entangled Nets on Cetaceans in the Baltic Sea as Requested through Council Regulation (EC) No. 2187/2005. 6th Meeting of the Parties to ASCOBANS MOP6/Doc.5–09 (AC) UN Campus, Bonn, Germany, 16–18 September 2009 Dist.

Ayissi, I.K. Van Waerebeek, and G. Segniagbeto, ''Report on the exploratory

survey of cetaceans and their status in Cameroon,'' in Proceedings of the 17th Meeting CMS Scientific Council, Bergen, Norway, November 2011, Document UNEP/CMS/ScC17/Inf.10

Brown S, Reid D, Rogan E (2014) Characteristics of Fishing Operations, Environment and Life History Contributing to Small Cetacean Bycatch in the Northeast Atlantic. PLoS ONE 9(8): e104468. doi:10.1371/journal.pone.0104468

Clarke, S., Sato, M., Small, C., Sullivan, B., Inoue, Y. & Ochi, D. 2014. *Bycatch in longline fisheries for tuna and tuna-like species: a global review of status and mitigation measures.* FAO Fisheries and Aquaculture Technical Paper No. 588. Rome, FAO. 199 pp.

Convention for Migratory Species (CMS) 2011. Assessment of Bycatch in Gillnet Fisheries. Sextant Technology Ltd. UNEP/CMS.FAO 2010. Kobe II Bycatch Workshop Background Paper—Marine Mammals. Bergen, 20–25 November 2011.

Diaz Lopez, B., L. Marini, and F. Polo. 2005. The impact of a fish farm on a bottlenose dolphin population in the Mediterranean Sea. Thalassas 21:65–70.

Díaz López, B., and J.A. Bernal Shirai. 2007. Bottlenose dolphin (*Tursiops truncatus*) presence and incidental capture in a marine fish farm on the north-eastern coast of Sardinia (Italy). Journal of the Marine Biological Association of the U.K. 87:113–117.–Díaz López, B. 2012. Bottlenose dolphins and aquaculture: interaction and site fidelity on the north-eastern coast of Sardinia (Italy). Marine Biology 159:1–12, DOI:10.1007/s00227–00012–02002–x.

Food and Agriculture Organization (FAO) Fisheries Department (FAO-FI). Review of the state of world marine fishery resources 2009. World Global Tuna Fisheries. FIRMS Reports. In: *Fisheries and Resources Monitoring System (FIRMS)* [online]. Rome. Updated 18 February 2013. [Cited 13 July 2017]. *http://firms.fao.org/firms/fishery/459/en*

Food and Agriculture Organization (FAO), 2010, Kobe II Bycatch Workshop Background Paper Marine Mammals. IOTC–2010–WPEB-Inf13, Co-occurrence with world tuna fisheries, but little known status, bycatch. Kobe II Background Paper, Available online *www.iotc.org/sites/default/files/documents/proceedings/.../IOTC–2010–WPEB-Inf14.pdf*

Gilman, E.L. 2011. Bycatch Governance and Best Practice Mitigation Technology in Global Tuna Fisheries. Marine Policy (2011). Honolulu, HI. doi:10.1016/j.marpol.2011.01.021

Gonzales, A., Vega, R., E. Yanez. 2015. Operational Interaction between South American Sea Lion Otaria Flavescens and Purse Seine Fishing Activities in Northern Chile. Revista de Biologia Marina y Oceanografia: 50 (3): 479–489. Doi: 10.4067/S0718

Groom, C., & Coughran, D. (2012). Entanglements of baleen whales off the coast of Western Australia between 1982 and 2010: patterns of occurrence, outcomes and management responses. *Pacific Conservation Biology, 18*(3), 203–214.

Hall, M. and M. Roman 2013. Bycatch and Non-tuna Catch in the Tropical Tuna Purse Seine Fisheries of the World. FAO and Aquatic Technical Paper. No. 569. Rome. 249 pp.

Halpin, W. J. Nichols, and Carl Safina. 2014 Global Patterns of Marine Mammal, Seabird, and Sea Turtle Bycatch Reveal Taxa-specific and Cumulative Megafauna Hotspots. Proceedings of the National Academy of Sciences. Vol. 111 No. 14 5271–5276.

Hamer D, Childerhouse S, and N. Gales. 2012. Odontocene Bycatch and Depredation in Longline Fisheries: A Review of Available Literature and of Potential Solutions. Marine Mammal Science 28 (4): E345–E374. Doi: 10.1111/j.1748–7692

ICES 2013. Request from EU Concerning Monitoring of Bycatch of Cetaceans and Other Protected Species. Special Request. ICES Advice Book 1.

ICES 2010. New Information Regarding Small Cetaceans, Marine Mammals, Sea Birds, and Sensitive Habitats and Impact of Fisheries. 1.5 1.2 Special Request Advice.

IOTC 2014. A Concept Note on the Need to Develop an IOTC Identification Guide for Marine Mammals. Working Party on Ecosystems and Bycatch. Tokyo, Japan. October 27–31 2014. IOTC–2014–WPEB10–32.

IWC 2004. Report of Subcommittee on Estimation of Bycatch and Other Human Induced Mortality. International Whaling Commission. Annex J. J. CETACEAN RES. MANAGE. 7 (SUPPL.),2005 The meeting was held at the Hilton Sorrento Palace Hotel, Sorrento, Italy, from 29 June—10 July 2004 and was chaired by Doug DeMaster.

Kemper CM, Pemberton D, Cawthorn M, Heinrich S and others (2003) Aquaculture and marine mammals: coexistence or conflict? In: Gales N, Hindell M, Kirkwood R (eds) Marine mammals: fisheries, tourism, and management issues. CSIRO, Collingwood, p 208 – 225

Kiszka J, Muir C, Poonian C, Cox T, Amir O, Bourjea J, Razafindrakoto Y, wambiji N, and N Bristol. 2008. Marine Mammal Bycatch in the Southwest Indian Ocean: Review and Need for a Comprehensive Status Assessment. Western Indian Ocean Journal of Marine Science 7 (2), 119–136 pp.

Komoroske LM and RL Lewison 2015. Addressing Fisheries Bycatch in A Changing World. Front. Mar.Sci.2:83. doi: 10.3389/fmars.2015.00083

Lewison, Rebecca L., Larry B. Crowder, Bryan P. Wallace, Jeffrey E. Moore, Tara Cox, Ramunas Zydelis, Sara McDonald, Andrew DiMatteo, Daniel C. Dunn, Connie Y. Kot, Rhema Bjorkland, Shaleyla Kelez, Candan Soykan, Kelly R. Stewart, Michelle Sims, Andre Boustany, Andrew J. Read, Patrick Halpin, W.J. Nicohols, and Carl Safina 2014. Global Patterns of Marine Mammal, Seabird, and Sea Turtle Bycatch Reveal Taxa-specific and Cumulative Megafauna Hotspots. Proceedings of the National Academy of Sciences. Vol. 111 No. 14 5271–5276. *www.pnas.org/cgi/doi/10.1073/pnas.1318960111*

Lloyd, B.L. (2003). Potential effects of mussel farming on New Zealand's marine mammals and seabirds: a *discussion paper.* Wellington: DOC Science Publishing, Science & Research Unit.

Lobao-Tello, Pablo Ricardo & Hucke-Gaete, Rodrigo & Torres-Florez, Juan. (2013). First observations of operational interactions between bottom-trawling fisheries and South American sea lion, Otaria flavescens in south-central Chile. Journal of the Marine Biological Association of the UK. 93. 10.1017/S0025315412001282.

Machado R. 2015.Incidental Catch of South American Sea Lion in a Pair Trawl off Southern Brazil. Neotropical Biology and Conservation. Doi: 10.4013/nbc.2015.101.06

Mustika, PL, Purnomo FS, S Northridge 2014. A Pilot Study to Identify the Extent of Small Cetacean Bycatch in Indonesia Using Fisher Interview and Stranding Data as Proxies. Final Report. International Whaling Commission.

National Oceanic and Atmospheric Administration Technical Memo 2011. U.S. National Bycatch Report [W.A. Karp, L. Desfosse, S.G. Brooke, Editors.] NMFS–F/SPO–117C, 508 p.

Northridge S, Kingston A, Mackay A, M Lonergan. 2011. Bycatch of Vulnerable Species: Understanding the Process of Mitigating the Impacts. Final Report to Defra Marine and Fisheries Science Unit. Defra, London. 99 pp.

Peltier, Helene, Matthieu Authier, Rob Deaville, Willy Dabin, Paul D. Jepson, Olivier van Canneyt, Pierre Daniel, Vincent Ridoux. 2016. Small Cetacean Bycatch as Estimated from Stranding Schemes: The Common Dolphin Case in the Northeast Atlantic. Environmental Science & Policy, Volume 63, 2016, Pages 7–18, ISSN 1462–9011, *http://dx.doi.org/10.1016/j.envsci.2016.05.004. (http://www.sciencedirect.com/science/article/pii/S1462901116301514)*

Prajith K.K, P.H. Dhiju Das, Leela Edwin. 2014. Dolphin Wall Net (DWN). An Innovative Management Measure Devised by Ring Seine Fishermen of Kerla-India to Reducing or Eliminating Marine Mammal Fishery Interactions. Ocean and Coastal Management 102:1–6. Doi:10.1016/j.oceocoaman.2014.08/012

Read, A.J., Drinker, P. and Northridge S.P. (2006). By-Catches Of Marine Mammals in U.S. Fisheries and a First Estimate of the Magnitude of Global Marine Mammal ByCatch. Conservation Biology Volume 20, No. 1, 163–169.

Reeves RR, Berggeren Per, Crespo Enrique, Gales Nick, Northridge Simon P, di Sciara Giuseppe, Perrin William, Read Andrew, Rogan Emer, Smith Brian, and Koen Waerebeek. 2004. Global Priorities for Reduction of Cetacean Bycatch. International Whaling *Commission.SC/56/Bc2.* 56th Scientific Committee Meeting. Sorrento, Italy.

Reeves, Randall R, Kate McClellan, Timothy B. Werner. 2013 Marine Mammal Bycatch in Gillnet and Other Entangling Net Fisheries, 1990 to 2011. Endangered Species Research Vol. 20: 71–97.

Waring, GT, Josephson E, Maze-Foley K, Rosel PE, Byrd B, Cole TVN, Engleby L, Garrison LP, Hatch J, Henry A, Horstman

SC, Litz J, Mullin KD, Orphanides C, Pace RM, Palka DL, Lyssikatos M. Wenzel FW (2015) Trends in Selected U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments—2014. NOAA Technical Memorandum NMFS–NE–23. Available at: *www.nmfs.noaa.gov/pr/sars/pdf/ao2013_tm228.pdf.* Accessed: 23 December 2015

Waring GT, Josephson E, Maze-Foley K, Rosel PE, Barry K, Byrd B, Cole TVN, Engleby L, Fairfield C, Garrison LP, Henry A, Hansen L, Litz J, Orphanides C, Pace RM, Palka DL, Rossman MC, Sinclair C, Wenzel FW (2012) U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments—2011. NOAA Technical Memorandum NMFS–NE–22. Available at: *www.nmfs.noaa.gov/pr/pdfs/sars/ao2011.pdf.* Accessed: 23 December 2015

Watson RC, Revenga C, and Y Kura. 2006. Fishing Gear Associated with Global Marine Catches. Fisheries Research 79:97–102. Vancouver, BC. Doi:10.1016/j.fishres.2006.01.010

Werner (2014) Mitigating bycatch and depredation of marine mammals in longline fisheries. ICES Journal of Marine Science, 72:1576–1586.

Würsig, B., and G.A. Gailey. 2002. Marine mammals and aquaculture: Conflicts and potential resolutions. Pages 45–59 *in* R.R. Stickney and J.P. McVey, editors. Responsible Marine Aquaculture. CAB International, New York.

Young, Madeline Olivia. 2015. Marine animal entanglements in mussel aquaculture gear, documented cases from mussel farming regions of the world including first-hand accounts from Iceland. Master's thesis. University of Akureyri, Iceland.

Dated: August 16, 2017.

John Henderschedt,

Director, Office for International Affairs and Seafood Inspection, National Marine Fisheries Service.

[FR Doc. 2017–17671 Filed 8–21–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Marine Mammals and Endangered Species

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

ACTION: Notice; issuance of permits and permit amendments.

SUMMARY: Notice is hereby given that permits or permit amendments have been issued to the following entities under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), as applicable.

ADDRESSES: The permits and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Shasta McClenahan (File Nos. 17350, 20523, 20605, 21045, and 21114), Carrie Hubard (File No. 16111 and 20311), Sara Young (File No. 20043), Courtney Smith (File No. 21170), and Jennifer Skidmore (File No. 16580) at (301) 427–8401.

SUPPLEMENTARY INFORMATION: Notices were published in the **Federal Register** on the dates listed below that requests for a permit or permit amendment had been submitted by the below-named applicants. To locate the **Federal Register** notice that announced our receipt of the application and a complete description of the research, go to *www.federalregister.gov* and search on the permit number provided in the table below.

File No.	RIN	Applicant	Receipt of application Federal Register notice	Permit or amendment issuance date
16111–02	0648–XA626	John Calambokidis, Cascadia Research Collective, Waterstreet Building, Suite 201, 218 ½ West Fourth Ave., Olympia, WA 98501.	77 FR 19645; April 2, 2012	July 13, 2017.
16580–01	0648–XB158	Shannon Atkinson, Ph.D., University of Alaska Fairbanks, 17101 Pt. Lena Loop Road, Juneau, AK 99801.	77 FR 31835; May 30, 2012	July 17, 2017.
17350–02	0648–XC067	North Slope Borough Department of Wildlife Management, (Taqulik Hepa, Responsible Party), P.O. Box 69, Barrow, AK 99723.	77 FR 36488; June 19, 2012	July 20, 2017.
20043	0648–XF153	Whitlow Au, Ph.D., University of Hawaii, P.O. Box 1346, Kaneohe, HI 96744.	82 FR 4858; January 17, 2017	July 28, 2017.
20311	0648–XF412	NMFS Pacific Islands Fisheries Science Center, (Evan Howell, Ph.D., Responsible Party), 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818.	82 FR 22498; May 16, 2017	June 30, 2017.
20523	0648–XF455	National Museum of Natural History (Kirk Johnson, Ph.D., Responsible Party), P.O. Box 37012, Washington, DC 20013.	82 FR 26455; June 7, 2017	July 10, 2017.
20605	0648–XF381	Robin Baird, Ph.D., Cascadia Research Collective, 218 ½ West Fourth Avenue, Olympia, WA 98501.	82 FR 22503; May 16, 2017	July 28, 2017.
21045	0648–XF350	Matson Laboratory (Carolyn Nistler, Responsible Party), 135 Wooden Shoe Lane, Manhattan, MT 59741.	82 FR 22516; May 16, 2017	June 29, 2017.
21114	0648–XF453	The Whale Museum (Jenny Atkinson, Responsible Party), P.O. Box 945, Friday Harbor, WA 98250.	82 FR 26455; June 7, 2017	July 25, 2017.
21170	0648–XF399	Keith Ellenbogen, Keith Ellenbogen Photography, 795 Carroll Street, Brooklyn, NY 11215.	82 FR 21370; May 8, 2017	July 3, 2017.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, as applicable, issuance of these permit was based on a finding that such permits: (1) Were applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) are consistent with the purposes and policies set forth in Section 2 of the ESA.

Authority: The requested permits have been issued under the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), as applicable.

Dated: August 15, 2017.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–17695 Filed 8–21–17; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Credit Union Advisory Council Meeting

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act (FACA), this notice sets forth the announcement of a public meeting of the Credit Union Advisory Council (CUAC or Council) of the Consumer Financial Protection Bureau (CFPB or Bureau). The notice also describes the functions of the Council.

DATES: The meeting date is Thursday, September 7, 2017, 3:30 p.m. to 5:15 p.m. eastern daylight time.

ADDRESSES: The meeting location is the Consumer Financial Protection Bureau, 1275 First Street NE., Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Crystal Dully, Outreach and Engagement Associate, 202–435–9588, *CFPB_CABandCouncilsEvents@cfpb.gov,* Consumer Advisory Board and Councils Office, External Affairs, 1275 First Street NE., Washington, DC 20002.

SUPPLEMENTARY INFORMATION:

I. Background

Section 2 of the CUAC Charter provides that pursuant to the executive and administrative powers conferred on the Consumer Financial Protection Bureau by section 1012 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), the Director established the Credit Union Advisory Council under agency authority.

Section 3 of the CUAC Charter states that the purpose of the Advisory Council is to advise the Bureau in the exercise of its functions under the Federal consumer financial laws as they pertain to credit unions with total assets of $10 billion or less.

II. Agenda

The Credit Union Advisory Council will discuss Know Before You Owe overdraft and financial empowerment initiatives. Persons who need a reasonable accommodation to participate should contact *CFPB_504Request@cfpb.gov,* 202–435–9EEO, 1–855–233–0362, or 202–435–9742 (TTY) at least ten business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. CFPB will strive to provide, but cannot guarantee that accommodation will be provided for late requests.

Written comments will be accepted from interested members of the public and should be sent to *CFPB_CABandCouncilsEvents@cfpb.gov,* a minimum of seven (7) days in advance of the meeting. The comments will be provided to the CUAC members for consideration. Individuals who wish to attend the Credit Union Advisory Council meeting must RSVP to *cfpb_cabandcouncilsevents@cfpb.gov* by noon, Wednesday, September 6, 2017. Members of the public must RSVP by the due date and must include ''CUAC'' in the subject line of the RSVP.

III. Availability

The Council's agenda will be made available to the public on Wednesday, August 23, 2017, via *consumerfinance.gov.* Individuals should express in their RSVP if they require a paper copy of the agenda.

A recording and transcript of this meeting will be available after the meeting on the CFPB's Web site *consumerfinance.gov.*

Dated: August 17, 2017.

Leandra English,

Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2017–17713 Filed 8–21–17; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Grant a Cooperative Research and Development Agreement for the Transfer and Use of a Unique Infrared Laser to University of Central Florida

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: The U.S. Army's Aviation and Missile Research, Development, and Engineering Center (AMRDEC) announces that, unless there is an objection, after 15 days it contemplates granting a Cooperative Research and Development Agreement (CRADA) to University of Central Florida, College of Optics and Photonics, 4304 Scorpius Street, Orlando, FL 32816–2700.

DATES: Objections must be received within 15 days of this notice.

ADDRESSES: Send written objections or inquires to U.S. Army Aviation and Missile Research and Development Center (AMRDEC), ATTN: RDMR–CST (ORTA), 5400 Fowler Road, Redstone Arsenal, AL 35898, or Email: *usarmy.redstone.rdecom-amrdec.mbx.orta@mail.mil.*

FOR FURTHER INFORMATION CONTACT: Cindy Wallace at 256–313–0895.

SUPPLEMENTARY INFORMATION: Additional information about CRADAs may be found at *https://www.amrdec.army.mil/amrdec/doing-business-with.html.*

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017–17735 Filed 8–21–17; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Reserve Forces Policy Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

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

DATES: Open to the public Wednesday, September 13, 2017 from 9:25 a.m. to 4:15 p.m.

ADDRESSES: The address for the Open Session of the meeting is the Army Navy Country Club, 1700 Army Navy Drive, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Alexander Sabol, (703) 681–0577 (Voice), 703–681–0002 (Facsimile), *Alexander.J.Sabol.Civ@Mail.Mil* (Email). Mailing address is Reserve Forces Policy Board, 5113 Leesburg Pike, Suite 601, Falls Church, VA 22041. Web site: *http://rfpb.defense.gov/*. The most up-to-date changes to the meeting agenda can be found on the Web site.

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

Purpose of the Meeting: The purpose of the meeting is to obtain, review and evaluate information related to strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the Reserve Components. The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Reserve Forces Policy Board will take place.

Agenda: The RFPB will hold an open meeting to the public Wednesday, September 13, 2017 from 9:25 a.m. to 4:15 p.m. The meeting will focus on discussions with the Editor at US Army War College Quarterly who will discuss an Army War College integrated research project entitled ''Great Power War'' that addressed the issue of full mobilization for the Army; the Director of Training, Office of the Deputy Chief of Staff in the Army G–3/5/7 who will discuss the Army Sustainable Readiness Model as it pertains to the Army's process for training, mobilizing, and deploying its Reserve Component units as an element of an operational Reserve Force; the National Chair, Employer Support of the Guard and Reserve (ESGR) who will discuss the ESGR's mission of facilitating and promoting a cooperative culture of employer support for National Guard and Reserve services; the Director of Manpower Legislation and Systems, DASD Military Personnel Policy, who will provide the progress on the Department of Defense's Duty Status Reform efforts; the Director of Military Compensation Policy, DASD Military Personnel Policy, who will discuss the General and Flag Officer Requirements Working Group, the Report to Congress on the feasibility and advisability of converting Military Technician positions, and other critical Reserve Component related provisions of the 2017 National Defense Authorization Act; and a Reserve Component Senior Enlisted Advisor Panel that will discuss their priorities and views regarding the readiness of their respective component's challenges for the ''Operational Reserve'' as part of the Total Force.

Meeting Accessibility: 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, the meeting is open to the public from 9:25 a.m. to 4:15 p.m. Seating is based on a first-come, first-served basis. All members of the public who wish to attend the public meeting must contact Mr. Alex Sabol, the Designated Federal Officer, not later than 12:00 p.m. on Tuesday, September 12, 2017, as listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the FACA, interested persons may submit written statements to the RFPB at any time about its approved agenda or at any time on the Board's mission. Written statements should be submitted to the RFPB's Designated Federal Officer at the address or facsimile number listed in the **FOR FURTHER INFORMATION CONTACT** section. If statements pertain to a specific topic being discussed at the planned meeting, then these statements must be submitted no later than five (5) business days prior to the meeting in question. Written statements received after this date may not be provided to or considered by the RFPB until its next meeting. The Designated Federal Officer will review all timely submitted written statements and provide copies to all the committee members before the meeting that is the subject of this notice. Please note that since the RFPB operates under the provisions of the FACA, all submitted comments and public presentations will be treated as public documents and will be made available for public inspection, including, but not limited to, being posted on the RFPB's Web site.

Dated: August 16, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–17653 Filed 8–21–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2017–OS–0040]

Proposed Collection; Comment Request

AGENCY: Defense Security Service, DoD.

ACTION: 60-day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Security Service announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 23, 2017.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the DSS Office of Information Management, Russell Knox Building, 27130 Telegraph Rd., Quantico, VA 22134 or email *dss.niss@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: National Industrial Security System (NISS); OMB Control Number 0704–XXXX.

Needs and Uses: The information collection requirement is necessary for DSS to oversee the National Industrial Security Program (NISP) pursuant to Executive Order 12829. The National Industrial Security System (NISS) will become the repository of records related to the maintenance of information pertaining to contractor facility security clearances (FCL) and contractor capabilities to protect classified information in its possession.

Affected Public: Cleared contractor companies participating in the NISP.

Annual Burden Hours: 11,671.

Number of Respondents: 11,671.

Responses per Respondent: 1.

Annual Responses: 11,671.

Average Burden per Response: 60 minutes.

Frequency: On occasion.

Respondents are security professionals who provide information to DSS in order to process facility security clearances (FCL), report changes of the facility that may affect the FCL, and managing incident response. In addition to this standard processing, NISS will enable security staff to communicate with their DSS representative pursuant to requirement DoD 5220.22–M, National Industrial Security Program Operating Manual. The NISS will be an integrated automated solution that will facilitate efficient execution of the Agency's core mission. NISS will allow users to manage large amounts of information through increased automated workflows to ensure accuracy, create linkages in data, and close the gap of missing data elements.

Dated: August 16, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–17686 Filed 8–21–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare a Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement for Northwest Training and Testing

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969 and regulations implemented by the Council on Environmental Quality, the Department of the Navy (DoN) announces its intent to prepare a supplement to the 2015 Final Northwest Training and Testing (NWTT) Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS).

DATES: Public comments will be accepted during the 30-day scoping period from August 22, 2017 to September 21, 2017. Public scoping meetings will not be held. However, public meetings are planned to occur following the release of the Draft Supplemental EIS/OEIS in early 2019.

ADDRESSES: The DoN invites scoping comments on the NWTT Supplemental EIS/OEIS from all interested parties. Substantive comments may be provided by mail to the address below and through the project Web site at *http://nwtteis.com/.* Comments must be postmarked or received online by September 21, 2017 for consideration during the development of the Draft Supplemental EIS/OEIS.

FOR FURTHER INFORMATION CONTACT: John Mosher, (360) 257–3234, *john.g.mosher@navy.mil.* Naval Facilities Engineering Command Northwest, Attention: NWTT Supplemental EIS/OEIS Project Manager, 3730 North Charles Porter Avenue, Building 385, Oak Harbor, Washington 98278–3500.

SUPPLEMENTARY INFORMATION: The DoN will assess the potential environmental effects associated with ongoing and future at-sea military readiness activities conducted within the NWTT EIS/OEIS Study Area (hereafter known as the ''Study Area'') beyond 2020. Military readiness activities include training and research, development, testing, and evaluation (hereafter known as ''testing''). The Supplemental EIS/OEIS will include an analysis of training and testing activities using new information available after the release of the 2015 Final EIS/OEIS. New information includes an updated acoustic effects model, updated marine mammal density data, and evolving and emergent best available science. Proposed activities are generally consistent with those analyzed in the 2015 Final EIS/OEIS and are representative of training and testing activities the DoN has been conducting in the Study Area for decades.

The Study Area remains unchanged since the 2015 Final EIS/OEIS. The Study Area is comprised of established maritime operating areas and warning areas in the northeastern Pacific Ocean, including areas within the Strait of Juan de Fuca, Puget Sound, and the Western Behm Canal in southeastern Alaska. The Study Area includes air and water space within and outside Washington state waters, air and water space outside state waters of Oregon and Northern California, and DoN pierside locations where sound navigation and ranging (sonar) maintenance and testing occur. In the supplement to the 2015 Final EIS/OEIS, the DoN will only analyze those training and testing activities conducted at sea within the Study Area.

As part of this process, the DoN will seek the issuance of federal regulatory permits and authorizations under the Marine Mammal Protection Act and Endangered Species Act to support on-going and future at-sea military readiness activities within the Study Area beyond 2020.

Pursuant to 40 CFR 1501.6, the DoN will invite the National Marine Fisheries Service and the U.S. Coast Guard to be cooperating agencies in preparation of the Supplemental EIS/OEIS.

The DoN's lead action proponent is Commander, U.S. Pacific Fleet. Additional action proponents include Naval Sea Systems Command and Naval Air Systems Command.

The DoN's Proposed Action is to conduct at-sea training and testing activities within the Study Area. Activities include the use of active sonar and explosives while employing marine species protective mitigation measures. The Proposed Action does not alter the DoN's original purpose and need as discussed in the 2015 Final EIS/OEIS.

The purpose of the Proposed Action is to maintain a ready force, which is needed to ensure the DoN can accomplish its mission to maintain, train, and equip combat-ready naval

forces capable of winning wars, deterring aggression, and maintaining freedom of the seas, consistent with Congressional direction in section 5062 of Title 10 of the U.S. Code. A Supplemental EIS/OEIS is considered the appropriate document, as there is recent scientific information including revised acoustic criteria to consider, in furtherance of NEPA, relevant to the environmental effects of the DoN's Proposed Action. The analysis will support Marine Mammal Protection Act authorization requests.

Proposed training and testing activities are generally consistent with those analyzed in the 2015 Final EIS/OEIS. In the Supplemental EIS/OEIS, the DoN will analyze the proposed changes to the tempo and types of training and testing activities, accounting for the introduction of new technologies, the evolving nature of international events, advances in warfighting doctrine and procedures, and changes in the organization of vessels, aircraft, weapons systems, and DoN personnel. In the NWTT Supplemental EIS/OEIS, the DoN will reflect the compilation of training and testing activities required to fulfill the DoN's military readiness requirements beyond 2020, and therefore includes the analysis of newly proposed activities and changes to previously analyzed activities.

In the Supplemental EIS/OEIS, the DoN will evaluate the potential environmental effects of a no action alternative and action alternatives. Resources to be evaluated include, but are not limited to, marine mammals, sea turtles, essential fish habitat, threatened and endangered species, and American Indian and Alaska Native Traditional Resources.

The scoping process is used to identify public concerns and local issues to be considered during the development of the Draft Supplemental EIS/OEIS. Federal agencies, state agencies, local agencies, the public, and interested persons are encouraged to provide substantive comments to the DoN on environmental resources and issue areas of concern the commenter believes the DoN should consider.

Comments must be postmarked or received online by September 21, 2017 for consideration during the development of the Draft Supplemental EIS/OEIS. Comments can be mailed to: Naval Facilities Engineering Command Northwest, Attention: NWTT Supplemental EIS/OEIS Project Manager, 3730 North Charles Porter Avenue, Building 385, Oak Harbor, Washington 98278–3500. Comments can be submitted online via the project Web site at *http://www.nwtteis.com/.* Also at this Web site, those interested in receiving electronic project updates can subscribe to receive notifications via email for key milestones throughout the environmental planning process.

Dated: August 16, 2017.

A.M. Nichols,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2017–17618 Filed 8–21–17; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Free Application for Federal Student Aid (FAFSA®) Information To Be Verified for the 2018–2019 Award Year

Correction

In notice document 2017–09167, appearing on pages 21204 through 21208, in the issue of Friday, May 5, 2017, make the following corrections:

1. On page 21207, in the second column, on the second line, the entry that reads ''I certify that I ___'', should read:

''I certify that I ___ am''.

2. On the same page, in the same column, on the nineteenth line, the entry that reads ''I certify that I ___'', should read:

''I certify that I ___ am''.

[FR Doc. C1–2017–09167 Filed 8–21–17; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[EERE–2017–BT–CRT–0054]

Proposed Agency Information Collection Extension

AGENCY: Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy.

ACTION: Information collection extension, with changes; notice and request for comment.

SUMMARY: The U.S. Department of Energy (DOE) intends to extend with changes for three years with the Office of Management and Budget (OMB), the Certification Reports, Compliance Statements, Application for a Test Procedure Waiver, and Recordkeeping for Consumer Products and Commercial/Industrial Equipment subject to Energy or Water Conservation Standards Package under OMB No. 1910–1400. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Written comments and information are requested and will be accepted on or before October 23, 2017.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2017–BT–CRT–0054, by any of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email:* to *InfoCollection2017CRT0054@ee.doe.gov.* Include docket number EERE–2017–BT–CRT–0054 in the subject line of the message.

3. *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a compact disc (''CD''), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index,

such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket Web page can be found at *http://www.regulations.gov/#!docketDetail;D=EERE-2017-BT-CRT-0054.* The docket Web page will contain simple instructions on how to access all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT: Ashley Armstrong, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–1445. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) OMB No. 1910–1400; (2) Information Collection Request Title: Certification Reports, Compliance Statements, Application for a Test Procedure Waiver, Application for Extension of Representation Requirements, Labeling, and Recordkeeping for Consumer Products and Commercial/Industrial Equipment subject to Federal Energy or Water Conservation Standards; (3) Type of Request: Renewal with changes; (4) Purpose:

Pursuant to the Energy Policy and Conservation Act of 1975 (''EPCA'' or ''the Act''),[1] Public Law 94–163 (42 U.S.C. 6291–6317, as codified), DOE regulates the energy efficiency of a number of consumer products, and commercial and industrial equipment. Title III, Part B [2] of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency of covered consumer products (''covered products''). Title III, Part C [3] of EPCA, added by Public Law 95–619, Title IV, § 441(a), established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve energy efficiency of covered commercial and industrial equipment (collectively referred to as ''covered equipment'').

Covered products and covered equipment are described in 10 CFR parts 429, 430, and 431. These covered products and covered equipment, including all product or equipment classes, include: (1) Consumer refrigerators, refrigerator-freezers and freezers; (2) Room air conditioners; (3) Central air conditioners and central air conditioning heat pumps; (4) Consumer water heaters; (5) Consumer furnaces and boilers; (6) Dishwashers; (7) Residential clothes washers; (8) Clothes dryers; (9) Direct heating equipment; (10) Cooking products; (11) Pool heaters; (12) Television sets; (13) Fluorescent lamp ballasts; (14) General service fluorescent lamps, general service incandescent lamps, and incandescent reflector lamps; (15) Faucets; (16) Showerheads; (17) Water closets; (18) Urinals; (19) Ceiling fans; (20) Ceiling fan light kits; (21) Torchieres; (22) Compact fluorescent lamps; (23) Dehumidifiers; (24) External power supplies; (25) Battery chargers; (26) Candelabra base incandescent lamps and intermediate base incandescent lamps; (27) Commercial warm air furnaces; (28) Commercial refrigerators, freezers, and refrigerator-freezers; (29) Commercial heating and air conditioning equipment; (30) Commercial water heating equipment; (31) Automatic commercial ice makers; (32) Commercial clothes washers; (33) Distribution transformers; (34) Illuminated exit signs; (35) Traffic signal modules and pedestrian modules; (36) Commercial unit heaters; (37) Commercial pre-rinse spray valves; (38) Refrigerated bottled or canned beverage vending machines; (39) Walk-in coolers and walk-in freezers and certain components; (40) Metal halide lamp ballasts and fixtures (41) Integrated light-emitting diode lamps; (42) General service lamps; (43) Furnace fans; (44) Pumps; (45) Commercial packaged boilers; (46) Consumer miscellaneous refrigeration equipment; (47) Portable air conditioners; (48) Compressors; (49) Electric motors, and (50) Small electric motors.

Under EPCA, DOE's energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. For consumer products, relevant provisions of the Act specifically include definitions (42 U.S.C. 6291), energy conservation standards (42 U.S.C. 6295), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), and the authority to require information and reports from manufacturers (42 U.S.C. 6296). For covered equipment, relevant provisions of the Act include definitions (42 U.S.C. 6311), energy conservation standards (42 U.S.C. 6313), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), and the authority to require information and reports from manufacturers (42 U.S.C. 6316).

DOE is seeking to renew its information collection related to the following aspects of the appliance standards program: (1) Gathering data and submitting certification and compliance reports for each basic model distributed in commerce in the U.S. including supplemental testing instructions for certain commercial equipment; (2) maintaining records underlying the certified ratings for each basic model including test data and the associated calculations; (3) applications for a test procedure waiver, which manufacturers may elect to submit if they manufacture a basic model that cannot be tested pursuant to the DOE test procedure; (4) applications requesting an extension of the date by which representations must be made in accordance with any new or amended DOE test procedure; and (5) labeling.

DOE's certification and compliance activities ensure accurate and comprehensive information about the energy and water use characteristics of covered products and covered equipment sold in the United States. Manufacturers of all covered products and covered equipment must submit a certification report before a basic model is distributed in commerce, annually thereafter, and if the basic model is redesigned in such a manner to increase the consumption or decrease the efficiency of the basic model such that the certified rating is no longer supported by the test data. Additionally, manufacturers must report when production of a basic model has ceased and is no longer offered for sale as part of the next annual certification report following such cessation. DOE requires the manufacturer of any covered product or covered equipment to establish, maintain, and retain the records of certification reports, of the underlying test data for all certification testing, and of any other testing conducted to satisfy the requirements of part 429, part 430, and/or part 431. Certification reports provide DOE and consumers with comprehensive, up-to-date efficiency information and support effective enforcement.

As the result of a negotiated rulemaking, DOE adopted additional certification requirements for commercial HVAC, water heater, and refrigeration equipment. Specifically, DOE requires manufacturers of commercial refrigeration equipment and some types of commercial HVAC

[1] All references to EPCA in this document refer to the statute as amended through the Energy Efficiency Improvement Act of 2015 (EEIA 2015), Public Law 114–11 (April 30, 2015).

[2] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

[3] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated Part A–1.

equipment to submit a PDF with specific testing instructions to be used by the Department during verification and enforcement testing. Manufacturers of commercial water heating equipment and some types of commercial HVAC equipment have the option of submitting a PDF with additional testing instructions at the manufacturer's discretion. For additional information on the negotiated rulemaking or supplemental testing instructions see docket number EERE–2013–BT–NOC–0023.

On December 18, 2014, Congress enacted the EPS Service Parts Act of 2014 (Pub. L. 113–263, ''Service Parts Act''). That law exempted manufacturers of certain external power supplies (''EPSs'') that were made available as service and spare parts for end-use products manufactured before February 10, 2016, from the energy conservation standards that DOE promulgated in its February 2014 rule. See 79 FR 7846 (Feb. 10, 2014). Additionally, the Service Parts Act permits DOE to require manufacturers of an EPS that is exempt from the 2016 standards to report to DOE the total number of such EPS units that are shipped annually as service and spare parts and that do not meet those standards. (42 U.S.C. 6295(u)(5)(A)(ii)) DOE may also limit the applicability of the exemption if the Secretary determines that the exemption is resulting in a significant reduction of the energy savings that would result in the absence of the exemption. (42 U.S.C. 6295(u)(5)(A)(iii)) In a final rule published on May 16, 2016, DOE adopted reporting requirements for EPS manufacturers to provide the total number of exempt EPS units sold as service and spare parts for which the manufacturer is claiming exemption from the current standards. 81 FR 30157.

DOE currently requires manufacturers or their party representatives to prepare and submit certification reports and compliance statements using DOE's electronic Web-based tool, the Compliance and Certification Management System (CCMS), which is the primary mechanism for submitting certification reports to DOE. CCMS currently has product and equipment specific templates which manufacturers are required to use when submitting certification data to DOE. DOE believes the availability of electronic filing through the CCMS system reduces reporting burdens, streamlines the process, and provides the Department with needed information in a standardized, more accessible form. This electronic filing system also ensures that records are recorded in a permanent, systematic way.

Manufacturers also may rely on CCMS reporting to satisfy certain reporting requirements established by the Federal Trade Commission (''FTC''). EPCA directs the FTC generally to prescribe labeling rules for the consumer products subject to energy conservation standards under EPCA. (42 U.S.C. 6296) The required labels generally must disclose the estimated annual operating cost of such product (determined in accordance with Federal test procedures); and information respecting the range of estimated annual operating costs for covered products to which the rule applies. (42 U.S.C 6296(c)(1)) Pursuant to EPCA, the FTC prescribed the Energy Labeling Rule, which in part, requires manufacturers to attach yellow EnergyGuide labels to many of the covered consumer products. See 16 CFR part 305. EnergyGuide labels for most products subject to the FTC labeling requirement contain three key disclosures: Estimated annual energy cost (16 CFR 305.5); a product's energy consumption or energy efficiency rating as determined from DOE test procedures (*Id.*); and a comparability range displaying the highest and lowest energy costs or efficiency ratings for all similar models (16 CFR 305.10).

The Energy Labeling Rule also contains reporting requirements for most products, under which manufacturers must submit data to the FTC both when they begin manufacturing new models and on an annual basis thereafter. 16 CFR 305.8. These reports must contain, among other things, estimated annual energy consumption or energy efficiency ratings, similar to what is required under DOE's reporting requirement. *Id.* Prior to 2013, FTC collected energy data on products subject to the Energy Labeling Rule separate from DOE through paper and email submissions to the FTC. This arrangement required manufacturers to submit nearly duplicative reports to DOE and FTC.

However, in 2013 the FTC streamlined and harmonized its reporting requirements by giving manufacturers the option to report FTC-required data through DOE's CCMS, in lieu of the traditional practice of submitting directly to FTC. 78 FR 2200 (Jan. 10, 2013); 16 CFR 305.8(a)(1). As such, the CCMS reduces duplicative reporting for manufacturers of covered consumer products that are also required to report under the FTC Energy Label Rule.

DOE allows manufacturers of both consumer products and/or commercial equipment to apply for a test procedure waiver. Manufacturers may submit an application for a test procedure waiver at his or her discretion if it is determined that the basic model for which the petition for waiver was submitted contains one or more design characteristics that prevents testing of the basic model according to the prescribed test procedures, or if the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. The Department currently uses and will continue to use the information submitted in the application for a waiver as the basis for granting or denying the petition. See 10 CFR 430.27 for additional information on petitions for waivers and for consumer products. See 10 CFR 431.401 for additional information on petitions for waivers for commercial equipment.

DOE also allows manufacturers of both consumer products and/or commercial equipment to submit applications requesting an extension of the date by which representations must be made in accordance with any new or amended DOE test procedure. DOE may grant extensions of up to 180 days if it determines that making such representations would impose an undue hardship on the petitioner. The Department currently uses and will continue to use the information submitted in these applications as the basis for granting or denying the petition.

In addition to the FTC labeling requirements for consumer products discussed, EPCA directs DOE to establish labeling requirements for covered industrial and commercial equipment when specified criteria is met. If the Department has prescribed test procedures for any class of covered equipment, a labeling rule applicable to such class of covered equipment must be prescribed. (42 U.S.C. 6315(a)) EPCA, however, requires that certain criteria must be met prior to DOE prescribing a given labeling rule. Specifically, DOE must determine that: (1) Labeling is technologically and economically feasible with respect to any particular equipment class; (2) significant energy savings will likely result from such labeling; and (3) labeling is likely to assist consumers in making purchasing decisions. (42 U.S.C. 6315(h)) DOE has established labeling requirements under the authority in 42 U.S.C. 6315 for electric motors (10 CFR 431.31), walk-in coolers and freezers (10 CFR 431.305), and pumps (10 CFR 431.466).

(4) Proposed changes to the information collection, including

description of additional information that would be collected.

DOE is considering revisions to the CCMS that would facilitate a reduction in duplicative reporting under the California's Appliance Efficiency Regulations, similar to what was achieved with the FTC. Under its Appliance Efficiency Regulations, California requires manufacturers to certify and report to the California Energy Commission energy efficiency data of certain consumer products. See, California Code of Regulations (CCR), Title 20, section 1606. For consumer products that are reported to the California Energy Commission and are subject to Federal test procedures, the California regulations generally require submission of data from those Federal test procedures (*i.e.,* the same data reported to DOE). DOE is considering adding fields to the CCMS that would allow the California Energy Commission to accept a CCMS report in satisfaction of the state reporting requirement. Submission of the additional information would not be mandatory (from DOE's perspective) and would consist of information that manufacturers are already submitting to the California Energy Commission. Should the California Energy Commission choose to streamline and harmonize its reporting requirements by giving manufacturers the option to report California-required data through DOE's CCMS, use of CCMS would reduce duplicative reporting between the California and DOE requirements.

(5) Annual Estimated Number of Respondents: 2000;

(6) Annual Estimated Number of Total Responses: 20,000;

(7) Annual Estimated Number of Burden Hours: 675,000 (30 hours per certification, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information; 16 additional hours for creating supplement testing instructions for commercial HVAC, water heating, and refrigeration equipment manufacturers; 160 hours for test procedure waiver preparation; 160 hours for representation extension request preparation; 1 hour for creating and applying a label for walk-in cooler and freezer, commercial and industrial pump, and electric motor manufacturers);

(8) Annual Estimated Reporting and Recordkeeping Cost Burden: $67,500,000.

Statutory Authority: Section 326(d) of the Energy Policy and Conservation Act, Public Law 94–163, as amended (42 U.S.C. 6296); 10 CFR parts 429, 430, and 431.

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

Kathleen Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2017–17733 Filed 8–21–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

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

Filings Instituting Proceedings

Docket Numbers: RP17–967–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.203: JntStlmtExtAgmt, Dkt#s RP88–67, 88–81, 88–221, 90–119, 91–4, 17–964.
Filed Date: 08/09/2017.
Accession Number: 20170809–5117.
Comment Date: 5:00 p.m. Eastern Time on Wednesday, August 16, 2017.

Docket Numbers: RP17–968–000.
Applicants: Northern Natural Gas Company.
Description: Northern Natural Gas Company submits tariff filing per 154.204: 20170810 Carlton Flow Obligations to be effective 11/1/2017.
Filed Date: 08/10/2017.
Accession Number: 20170810–5047.
Comment Date: 5:00 p.m. Eastern Time on Tuesday, August 22, 2017.

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

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

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

Dated: August 10, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–17676 Filed 8–21–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

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

Filings Instituting Proceedings

Docket Numbers: RP17–969–000.
Applicants: Mercuria Energy America, Inc., Noble Americas Gas & Power Corp.
Description: Joint Petition for Temporary Waiver of Commission Policies, Capacity Release Regulations and Related Tariff Provisions and Request for Expedited Treatment of Mercuria Energy America, Inc., et al.
Filed Date: 8/10/17.
Accession Number: 20170810–5143.
Comments Due: 5 p.m. ET 8/22/17.

Docket Numbers: RP17–955–001.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: Tennessee Gas Pipeline Company, L.L.C. submits tariff filing per 154.205(b): Volume No. 2—Amended Statoil—Susquehanna West Project to be effective 9/1/2017.
Filed Date: 8/11/17.
Accession Number: 20170811–5000.
Comments Due: 5 p.m. ET 8/23/17.

Docket Numbers: RP17–970–000.
Applicants: Colorado Interstate Gas Company, L.L.C.
Description: 2017 Penalties Assessed Compliance Filing of Colorado Interstate Gas Company, L.L.C.
Filed Date: 8/15/17.
Accession Number: 20170815–5038.
Comments Due: 5 p.m. ET 8/28/17.

Docket Numbers: RP17–971–000.
Applicants: Southwest Gas Transmission Company, A Li.
Description: Southwest Gas Transmission Company, A Limited Partnership submits tariff filing per 154.204: Company Contact Name to be effective 8/14/2017.
Filed Date: 8/15/17.
Accession Number: 20170815–5045.
Comments Due: 5 p.m. ET 8/28/17.

Docket Numbers: RP17–972–000.
Applicants: Wyoming Interstate Company, L.L.C.
Description: Wyoming Interstate Company, L.L.C. submits tariff filing per 385.602: Settlement Agreement in Docket No. RP17–302–000.

Filed Date: 8/15/17.
Accession Number: 20170815–5131.
Comments Due: 5 p.m. ET 8/28/17.

Docket Numbers: RP17–973–000.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.204: Update NAESB 3.0 Order No. 587–W Compliance Filing to be effective 9/15/2017.
Filed Date: 8/15/17.
Accession Number: 20170815–5137.
Comments Due: 5 p.m. ET 8/28/17.

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

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

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

Dated August 16, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–17744 Filed 8–21–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR17–20–000]

Laramie River DevCo LP; Notice of Request for Temporary Waiver

Take notice that on August 11, 2017, pursuant to Rule 204 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.204, Laramie river DevCo LP filed a petition for temporary waiver of the tariff filing and reporting requirements of sections 6 and 20 of the Interstate Commerce Act and parts 341 and 357 of the Commission's regulations for a new crude petroleum gathering system to be located in the Colorado, as more fully explained in the petition.

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

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

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

Comment Date: 5:00 p.m. Eastern time on August 25, 2017.

Dated: August 16, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–17728 Filed 8–21–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: ER10–2137–018; ER10–2124–017; ER10–2125–018; ER10–2127–016; ER10–2128–017; ER10–2130–017; ER10–2131–018; ER10–2132–017; ER10–2133–018; ER10–2138–018; ER10–2139–018; ER10–2140–018; ER10–2141–018; ER10–2764–017; ER11–3872–019; ER11–4044–018; ER11–4046–017; ER12–164–016; ER14–2187–012; ER14–2798–010; ER14–2799–010; ER15–1041–007; ER15–1873–007; ER15–2205–007
Applicants: Beech Ridge Energy LLC, Beech Ridge Energy II LLC, Beech Ridge Energy Storage LLC, Bishop Hill Energy III LLC, Buckeye Wind Energy LLC, Forward Energy LLC, Grand Ridge Energy LLC, Grand Ridge Energy II LLC, Grand Ridge Energy III LLC, Grand Ridge Energy IV LLC, Grand Ridge Energy V LLC, Grand Ridge Energy Storage LLC, Gratiot County Wind LLC, Gratiot County Wind II LLC, Invenergy TN LLC, Judith Gap Energy LLC, Prairie Breeze Wind Energy II LLC, Prairie Breeze Wind Energy III LLC, Sheldon Energy LLC, Spring Canyon Energy LLC, Stony Creek Energy LLC, Vantage Wind Energy LLC, Willow Creek Energy LLC, Wolverine Creek Energy LLC.
Description: Notice of Change in Facts Under Market-Based Rate Authority of Beech Ridge Energy LLC, et al.
Filed Date: 8/16/17.
Accession Number: 20170816–5110.
Comments Due: 5 p.m. ET 9/6/17.

Docket Numbers: ER11–4050–005.
Applicants: Cogentrix of Alamosa, LLC.
Description: Supplement to May 12, 2017 Notice of non-material change in status of Cogentrix of Alamosa, LLC.
Filed Date: 7/20/17.
Accession Number: 20170720–5177.
Comments Due: 5 p.m. ET 9/6/17.

Docket Numbers: ER16–1456–000.
Applicants: Talen Energy Marketing, LLC.
Description: Report Filing: TEM Refund Report (ER16–1456) to be effective N/A.
Filed Date: 8/15/17.
Accession Number: 20170815–5128.
Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2042–001.
Applicants: Southwest Power Pool, Inc.
Description: Tariff Amendment: 3340 Otter Tail Power Company NITSA and NOA to be effective 6/1/2017.
Filed Date: 8/16/17.
Accession Number: 20170816–5051.
Comments Due: 5 p.m. ET 9/6/17.

Docket Numbers: ER17–2153–001.
Applicants: ISO New England Inc.
Description: ISO New England Inc. submits tariff filing per 35.17(a): Withdrawal of eTariff document to be effective N/A.
Filed Date: 7/28/17.
Accession Number: 20170728–5225.
Comments Due: 5 p.m. ET 8/18/17.

Docket Numbers: ER17–2312–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Tariff Revisions to Remove Day-Ahead Limited Must Offer Requirement to be effective 10/16/2017.
Filed Date: 8/15/17.
Accession Number: 20170815–5138.
Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2313–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–08–16_SA 2506 ITC-Pheasant Run E&P (J075) Termination to be effective 8/17/2017.
Filed Date: 8/16/17.
Accession Number: 20170816–5002.
Comments Due: 5 p.m. ET 9/6/17.

Docket Numbers: ER17–2314–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–08–16_Termination of SA 2729_MidAmerican-RPM E&P (J343) to be effective 8/17/2017.
Filed Date: 8/16/17.
Accession Number: 20170816–5003.
Comments Due: 5 p.m. ET 9/6/17.

Docket Numbers: ER17–2315–000.
Applicants: Portland General Electric Company.
Description: Portland General Electric Company submits Average System Cost Filing for Sales of Electric Power to the Bonneville Power Administration, FY 2018–2019.
Filed Date: 8/15/17.
Accession Number: 20170815–5164.
Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2316–000.
Applicants: Indiana Michigan Power Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Indiana Michigan submits Original CIAC, Service Agreement No. 4755, with NIPSCO to be effective 7/18/2017.
Filed Date: 8/16/17.
Accession Number: 20170816–5010.
Comments Due: 5 p.m. ET 9/6/17.

Docket Numbers: ER17–2317–000.
Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: MAIT submits an ECSA, Service Agreement No. 4711 with PPL Electric to be effective 10/15/2017.
Filed Date: 8/16/17.
Accession Number: 20170816–5065.
Comments Due: 5 p.m. ET 9/6/17.

Docket Numbers: ER17–2318–000.
Applicants: Cuyama Solar, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authority to be effective 9/29/2017.
Filed Date: 8/16/17.
Accession Number: 20170816–5081.
Comments Due: 5 p.m. ET 9/6/17.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF17–1330–000.
Applicants: S2NRG LLC.
Description: Form 556 of S2NRG LLC.
Filed Date: 8/15/17.
Accession Number: 20170815–5177.
Comments Due: None Applicable.

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

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

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

Dated: August 16, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–17727 Filed 8–21–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[CERCLA–04–2017–3758; FRL–9966–03–Region 4]

Former Douglas Battery Site, Winston-Salem, Forsyth County, North Carolina; Notice of Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of settlement.

SUMMARY: Under 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into a settlement with Victor Kung, Pearl Pacific Properties LLC and East Best LLC concerning the Former Douglas Battery Site located in Winston-Salem, Forsyth County, North Carolina. The settlement addresses recovery of CERCLA costs for a cleanup action performed by the EPA at the Site.

DATES: The Agency will consider public comments on the settlement until October 23, 2017. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the proposed settlement is inappropriate, improper, or inadequate.

ADDRESSES: Copies of the settlement are available from the Agency by contacting Ms. Paula V. Painter, Program Analyst, using the contact information provided in this notice. Comments may also be submitted by referencing the Site's name through one of the following methods: Internet: *https://www.epa.gov/aboutepa/about-epa-region-4-southeast#r4-public-notices.*

- *U.S. Mail:* U.S. Environmental Protection Agency, Superfund Division, Attn: Paula V. Painter, 61 Forsyth Street SW., Atlanta, Georgia 30303.
- *Email: Painter.Paula@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Paula V. Painter at (404) 562–8887.

Dated: July 7, 2017.

Anita L. Davis,

Chief, Enforcement and Community Engagement Branch, Superfund Division.

[FR Doc. 2017–17737 Filed 8–21–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 6, 2017.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *D. Shannon Blakley, Hatley, Wisconsin;* to acquire voting shares of Banner Bancorp, LTD., and thereby indirectly acquire voting shares of Banner Banks, both in Birnamwood, Wisconsin.

Board of Governors of the Federal Reserve System, August 17, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–17772 Filed 8–21–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 18, 2017.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Guaranty Bancorp, Inc., Denver, Colorado;* to merge with Castle Rock Bank Holding Company, and thereby indirectly acquire Castle Rock Bank, both of Castle Rock, Colorado.

Board of Governors of the Federal Reserve System, August 17, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–17771 Filed 8–21–17; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[Notice–MA–2017–05; Docket No. 2017–0002; Sequence 15]

Maximum Per Diem Reimbursement Rates for the Continental United States (CONUS)

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Notice of GSA Per Diem Bulletin FTR 18–01, Fiscal Year (FY) 2018 CONUS per diem reimbursement rates.

SUMMARY: GSA's Fiscal Year (FY) 2018 per diem reimbursement rates review has resulted in lodging and meal allowance changes for certain locations within CONUS to provide for reimbursement of Federal employees' subsistence expenses while on official travel.

DATES: *Applicability:* This notice applies to travel performed on or after October 1, 2017, through September 30, 2018.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Ms. Jill Denning, Office of Government-wide Policy, Office of Asset and Transportation Management, at 202–208–7642, or by email at *travelpolicy@gsa.gov.* Please cite Notice of GSA Per Diem Bulletin FTR 18–01.

SUPPLEMENTARY INFORMATION:

Background: The CONUS per diem reimbursement rates prescribed in Bulletin 18–01 may be found at *www.gsa.gov/perdiem.* GSA bases the maximum lodging allowance rates on the average daily rate that the lodging industry reports to an independent organization. If a maximum lodging allowance rate and/or a meals and incidental expenses (M&IE) per diem reimbursement rate is insufficient to meet necessary expenses in any given location, Federal executive agencies can request that GSA review that location. Please review numbers six and seven of GSA's per diem Frequently Asked Questions, at *www.gsa.gov/perdiemfaqs,* for more information on the special review process. In addition, the Federal Travel Regulation (FTR) allows for actual expense reimbursement as provided in §§ 301–11.300 through 301–11.306. For FY 2018, no new non-standard area locations were added. The standard CONUS lodging allowance rate will increase from $91 to $93. The M&IE reimbursement rate tiers were not revised for FY 2018.

GSA issues and publishes the CONUS per diem rates, formerly published in Appendix A to 41 CFR Chapter 301, solely on the Internet at *www.gsa.gov/perdiem.* GSA also now solely publishes the M&IE meal breakdown table, which is used when employees are required to deduct meals from their M&IE reimbursement pursuant to FTR § 301–11.18, at *www.gsa.gov/mie.*

This process, implemented at 68 FR 22314, on April 28, 2003, for per diem reimbursement rates, and in 2015 for the M&IE breakdown table, ensures more timely changes in per diem reimbursement rates established by GSA for Federal employees on official travel within CONUS. Notices published periodically in the **Federal Register**, such as this one, now constitute the only notification of revisions in CONUS per diem reimbursement rates to agencies other than the changes posted on the GSA Web site.

Dated: August 14, 2017.

Allison Fahrenkopf Brigati,

Associate Administrator, Office of Government-wide Policy, General Services Administration.

[FR Doc. 2017–17677 Filed 8–21–17; 8:45 am]

BILLING CODE 6820–14–P

GENERAL SERVICES ADMINISTRATION

[Notice–MA–2017–06; Docket No. 2017–0002, Sequence No. 17]

Federal Travel Regulation (FTR); Reimbursement for Use of Transportation Network Companies or Innovative Mobility Technology Companies While on Official Travel

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Notice of a Bulletin.

SUMMARY: The purpose of this notice is to inform federal agencies that FTR Bulletin 17–04, pertaining to the authorization of and reimbursement for use of Transportation Network Companies (TNCs) or innovative mobility technology companies by Federal travelers on temporary duty, is now available online at *www.gsa.gov/ftrbulletin.*

DATES: *Effective:* August 22, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Cy Greenidge, Office of Government-wide Policy, Office of Asset and Transportation Management, at 202–219–2349, or by email at *travelpolicy@gsa.gov.*

Please cite Notice of FTR Bulletin 17–04.

Dated: August 14, 2017.

Allison Fahrenkopf Brigati,

Associate Administrator, Office of Government-wide Policy, General Services Administration.

[FR Doc. 2017–17680 Filed 8–21–17; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–17–0773; Docket No. CDC–2017–0061]

Proposed Data Collections Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, 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. This notice invites comments on the information collection extension request titled ''Adverse Events among Persons on Treatment of Latent Tuberculosis Infection.''

DATES: Written comments must be received on or before October 23, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0061 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: All public comments should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C.3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, Information Collection Request Procedures Manual 33 retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

National Surveillance for Severe Adverse Events among Persons on Treatment of Latent Tuberculosis Infection—(OMB Control No. 0920–0773, expires 01/17/2018)—Extension—Division of Tuberculosis Elimination (DTBE), National Center for HIV, Viral Hepatitis, STD, and TB Prevention NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

As part of the national tuberculosis (TB) elimination strategy, the American Thoracic Society and CDC have published recommendations for targeted testing for TB and treatment for latent TB infection (LTBI) (Morbidity and Mortality Weekly Report (MMWR) 2000;49[RR06];1–54). However, between October 2000 and September 2004, the CDC received reports of 50 patients with severe adverse events (SAEs) associated with the use of the two or three-month regimen of rifampin and pyrazinamide (RZ) for the treatment of LTBI; 12 (24%) patients died (MMWR 2003;52[31]:735–9). In 2004, CDC began collecting reports of SAEs among persons on treatment regimen for LTBI.

For surveillance purposes, an SAE was defined as any drug-associated reaction resulting in a patient's hospitalization or death after at least one treatment dose for LTBI. During 2004–2016, CDC received 66 reports of SAEs among recipients of isoniazid (INH)-only (n=44), INH-rifapentine (RPT) (n=20), rifampin (RIF) (n=1) and INH/Levofloxacin (n=1) for LTBI. Among INH-only recipients, seven died; five, including one child, underwent liver transplantation. Among INH–RPT, RIF, and INH/Levofloxacin recipients, length of hospitalization ranged 1–20 (median: 3) days; no liver transplants or deaths were reported. The RIF recipient had an acute kidney injury but recovered after three hemodialysis treatments [Severe Adverse Events (Hospitalization or Death) Among Persons on Treatment for Latent Tuberculosis Infection, United States, January 2004–December 2016. Presented at the NAR/IUATLD Conference, Vancouver, Canada, February 2017]. Ten of the SAEs were published in Powell, K, et al. Severe Isoniazid-associated Liver Injuries among Persons Being Treated for Latent Tuberculosis Infection-United States, 2004–2008. MMWR 2010; 59:224–9.

Reports of SAEs related to LTBI treatment regimens have prompted a need for this project—a national

surveillance system of such events. The objective of the project is to determine the annual number and temporal trends of SAEs associated with any treatment for LTBI in the United States. Surveillance of such events will provide data to support periodic evaluation or potential revision of guidelines for treatment of persons with LTBI.

The CDC seeks to request OMB approval for a three-year extension of the previously approved National Surveillance for Severe Adverse Events Associated with Treatment of Latent Tuberculosis Infection—(OMB No. 0920–0773, expires January 17, 2018). This project will continue the passive reporting system for SAEs associated with therapy for LTBI. The system will rely on medical chart review and/or onsite investigations by TB control staff.

Potential respondents are any of the 60 reporting areas for the national TB surveillance system (the 50 states, the District of Columbia, New York City, Puerto Rico, and 7 jurisdictions in the Pacific and Caribbean).

CDC will collect data using the data collection form for SAEs associated with LTBI treatment. Based on previous reporting, CDC anticipates receiving an average of six responses per year from the 60 reporting areas. The data collection form is completed by healthcare providers and health departments for each reported hospitalization or death related to treatment of LTBI and contains demographic, clinical, and laboratory information.

CDC will analyze and periodically publish reports summarizing national LTBI treatment adverse events statistics and will conduct special analyses for publication in peer-reviewed scientific journals to further describe and interpret these data.

The Food and Drug Administration (FDA) collects data on adverse events related to drugs through the FDA MedWatch Program. CDC is encouraging health departments and healthcare providers to report SAEs to FDA. Reporting will be conducted through telephone, email, or during CDC site visits.

In this request, CDC is requesting approval for approximately 36 burden hours annually. The only cost to respondents is time to gather medical records and time to complete the reporting form.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Physician	NSSAE	6	1	1	6
Nurse	NSSAE	6	1	4	24
Medical Clerk	NSSAE	6	1	1	6
Total					36

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–17708 Filed 8–21–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–17–0740; Docket No. CDC–2017–0060]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, 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. This notice invites comment on the Medical Monitoring Project, which collects interview and medical record data on a probability sample of HIV-diagnosed persons in order to provide national estimates of access to and utilization of HIV-related medical care and services, the quality of HIV-related ambulatory care, and HIV-related behaviors and clinical outcomes.

DATES: Written comments must be received on or before October 23, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0060 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov.*

Please note: All public comment should be submitted through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are

publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Medical Monitoring Project (MMP)—(OMB Control Number 0920–0740 Expiration 6/30/2018)—Revision—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC), Division of HIV/AIDS Prevention (DHAP) requests a revision of the currently approved Information Collection Request: ''Medical Monitoring Project'' expiring June 30, 2018. This data collection addresses the need for national estimates of access to and utilization of HIV-related medical care and services, the quality of HIV-related ambulatory care, and HIV-related behaviors and clinical outcomes.

For the proposed project, the same data collection methods will be used as for the currently approved project. Data would be collected from a probability sample of HIV-diagnosed adults in the U.S. who consent to an interview and abstraction of their medical records. As for the currently approved project, de-identified information would also be extracted from HIV case surveillance records for a dataset, referred to as the minimum dataset, which is used to assess non-response bias, for quality control, to improve the ability of MMP to monitor ongoing care and treatment of HIV-infected persons, and to make inferences from the MMP sample to HIV-diagnosed persons nationally.

No other Federal agency collects such nationally representative population-based information from HIV-diagnosed adults. The data are expected to have significant implications for policy, program development, and resource allocation at the state/local and national levels.

The changes proposed in this request update the data collection system to meet prevailing information needs and enhance the value of MMP data, while remaining within the scope of the currently approved project purpose. The result is a 11% reduction in burden, or a reduction of 786 total burden hours annually. Specifically, the removal of three unfunded project areas reduces the number of interviews conducted and the number of persons for whom healthcare facility staff will be asked for contact information, assistance with approaching for participation, and pulling medical records.

Changes were made that did not affect the burden, listed below:

- Sampled persons found to have resided in a non-funded project area on the date of sampling will be considered ineligible for the project, because non-funded project areas were deemed ineligible in the first stage of sampling.
- Tracking data reports will no longer be sent to CDC, as this information is no longer needed.
- The average token of appreciation for participants has been increased from $25 to $50.
- Changes have been made to the respondent consent form to decrease the reading comprehension level and clarify whom participants should contact for different concerns.
- Forty-two data elements were removed from the minimum data set and forty data elements were added. Because these data elements are extracted from the HIV surveillance system from which they are sampled, these changes do not affect the burden of the project.

This proposed data collection would supplement the National HIV Surveillance System (NHSS, OMB Control No. 0920–0573, Exp. 6/30/2019) in 23 selected state and local health departments, which collect information on persons diagnosed with, living with, and dying from HIV infection and AIDS.

The participation of respondents is voluntary. There is no cost to the respondents other than their time. Through their participation, respondents will help to improve programs to prevent HIV infection as well as services for those who already have HIV.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average hours per response	Total response burden (hours)
Sampled, Eligible HIV-Infected Persons	Interview Questionnaire	7,760	1	45/60	5,820
Facility office staff looking up contact information	N/A	1,940	1	2/60	65
Facility office staff approaching sampled persons for enrollment.	N/A	970	1	5/60	81
Facility office staff pulling medical records	N/A	7,760	1	3/60	388
Total					6,354

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–17699 Filed 8–21–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Application Requirements for the Low Income Home Energy Assistance Program (LIHEAP) Plan.

OMB No.: 0970–0075.

Description: States, including the District of Columbia, tribes, tribal organizations, and U.S. territories applying for LIHEAP block grant funds must, prior to receiving federal funds, submit an annual application (Model Plan, ACF–122) that meets the LIHEAP statutory and regulatory requirements. In addition to the Model Plan, grantees are also required to complete the Mandatory Grant Application SF–424–Mandatory, which is the first section of the Model Plan.

The LIHEAP Model Plan is an electronic form and is submitted to the Administration for Children and Families (ACF), Office of Community Services (OCS) through the On-line Data Collection (OLDC) system within GrantSolutions, which is currently being used by all LIHEAP grantees to submit other required LIHEAP reporting forms. In order to reduce the reporting burden, all data entries from each grantee's prior year's submission of the Model Plan in OLDC is saved and re-populated (cloned) into the form for the following fiscal year's application.

OCS seeks renewal of this form without any changes. A sample model plan showing these proposed changes can be found on the U.S. Department of Health and Human Services, ACF/OCS LIHEAP Program Resources page at: *https://www.acf.hhs.gov/ocs/resource/funding-applications*.

On April 3, 2017, ACF published a **Federal Register** Notice seeking 60 days of public comment on this proposed information collection. One state grantee provided comments. ACF revised the Plan to address the comments by ensuring that open field boxes and attachment capability are available if the answer choices are insufficient to address the questions.

The revised model plan can be viewed on the OCS Web site at: *http://www.acf.hhs.gov/programs/ocs/programs/liheap*.

Respondents: State, the District of Columbia, U.S. Territories and Tribal governments.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
LIHEAP Detailed Model Plan	210	1	0.50	105

Estimated Total Annual Burden Hours (all respondents): 105.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201. Attention Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2017–17681 Filed 8–21–17; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–4885]

Pediatric Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA or the Agency) announces a forthcoming public advisory committee meeting of the Pediatric Advisory Committee (PAC). The general function of the committee is to provide advice and recommendations to the Agency on FDA's regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comments.

DATES: The meeting will be held on September 11, 2017, from 8:30 a.m. to 5:30 p.m. and September 12, 2017, from 8:30 a.m. to 1 p.m.

ADDRESSES: Hilton Washington DC/Rockville Hotel & Executive Meeting Center, 1750 Rockville Pike, Rockville, MD 20852. The hotel's telephone number is 301–468–1100. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at *http://www3.hilton.com/en/hotels/maryland/hilton-washington-dc-rockville-hotel-and-executive-meeting-ctr-IADMRHF/index.html.*

FDA is establishing a docket for public comment on this document. The docket number is FDA–2017–N–4885. The docket will close on September 13, 2017. Submit either electronic or written comments on this public meeting by that date. Late, untimely comments will not be considered. Electronic comments must be submitted on or before September 13, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of September 13, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before August 28, 2017, will be provided to the committee. Comments received after that date will be taken into consideration by FDA.

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 make available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–N–4885 for ''Pediatric Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Marieann Brill, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5154, Silver Spring, MD 20993, 240–402–3838, *marieann.brill@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm.* Scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The PAC will meet to discuss pediatric-focused safety reviews, as mandated by the Best Pharmaceuticals for Children Act (Pub. L. 107–109) and the Pediatric Research Equity Act (Pub. L. 108–155). Comments about the upcoming September advisory committee meeting should be submitted to Docket No. FDA–2017–N–4885.

On September 11, 2017, the PAC will discuss the use of prescription opioid products containing hydrocodone or codeine for the treatment of cough in pediatric patients. The discussion will include current practice for the treatment of cough in children and benefit-risk considerations regarding the use of prescription opioid products in pediatric patients.

On September 12, 2017, the PAC will meet to discuss the following products (listed by FDA Center):

(1) Center for Drug Evaluation and Research
  a. ABILIFY (aripiprazole)
  b. KEPPRA/KEPPRA XR (levetiracetam)
(2) Center for Devices and Radiological Health
  a. CONTEGRA Pulmonary Valved Conduit (humanitarian device exemption (HDE)
  b. ENTERRA Therapy System (HDE)
  c. PLEXIMMUNE (HDE)
  d. ELANA Surgical Kit (HDE)

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material will be available at: *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before September 5, 2017. Oral presentations from the public will be scheduled on September 11, 2017, between approximately 1 p.m. and 2 p.m. and on September 12, 2017, between approximately 9 a.m. and 10 a.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of

proposed participants, and an indication of the approximate time requested to make their presentation on or before August 25, 2017. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by August 28, 2017.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Marieann Brill at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: August 17, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–17726 Filed 8–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0062]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Medical Devices; Exception From General Requirements for Informed Consent

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) 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 September 21, 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 0910–0586. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Medical Devices; Exception From General Requirements for Informed Consent OMB Control Number 0910–0586—Extension

In the **Federal Register** of June 7, 2006 (71 FR 32827), FDA issued an interim final rule to amend its regulations to establish a new exception from the general requirements for informed consent, to permit the use of investigational in vitro diagnostic devices to identify chemical, biological, radiological, or nuclear agents without informed consent in certain circumstances. The Agency took this action because it was concerned that, during a potential terrorism event or other potential public health emergency, delaying the testing of specimens to obtain informed consent may threaten the life of the subject. In many instances, there may also be others who have been exposed to, or who may be at risk of exposure to, a dangerous chemical, biological, radiological, or nuclear agent, thus necessitating identification of the agent as soon as possible. FDA created this exception to help ensure that individuals who may have been exposed to a chemical, biological, radiological, or nuclear agent are able to benefit from the timely use of the most appropriate diagnostic devices, including those that are investigational.

Section 50.23(e)(1) (21 CFR 50.23(e)(1)) provides an exception to the general rule that informed consent is required for the use of an investigational in vitro diagnostic device. This exception applies to those situations in which the in vitro investigational diagnostic device is used to prepare for, and respond to, a chemical, biological, radiological, or nuclear terrorism event or other public health emergency, if the investigator and an independent licensed physician make the determination and later certify in writing that: (1) There is a life-threatening situation necessitating the use of the investigational device, (2) obtaining informed consent from the subject is not feasible because there was no way to predict the need to use the investigational device when the specimen was collected and there is not sufficient time to obtain consent from the subject or the subject's legally authorized representative, and (3) no satisfactory alternative device is available. Under the rule, these determinations are made before the device is used, and the written certifications are made within 5 working days after the use of the device. If use of the device is necessary to preserve the life of the subject and there is not sufficient time to obtain the determination of the independent licensed physician in advance of using the investigational device, § 50.23(e)(2) provides that the certifications must be made within 5 working days of use of the device. In either case, the certifications are submitted to the Institutional Review Board (IRB) and, under § 50.23(e)(3) (76 FR 36989, June 24, 2011), to FDA within 5 working days of the use of the device.

Section 50.23(e)(4) provides that an investigator must disclose the investigational status of the device and what is known about the performance characteristics of the device at the time test results are reported to the subject's health care provider and public health authorities, as applicable. Under § 50.23(e)(4), the investigator provides the IRB with the information required by § 50.25 (21 CFR 50.25) (except for the information described in § 50.25(a)(8)) and the procedures that will be used to provide this information to each subject or the subject's legally authorized representative.

FDA estimates that there are approximately 150 laboratories that could perform testing that uses investigational in vitro diagnostic devices to identify chemical, biological, radiological, or nuclear agents. FDA estimates that in the United States each year there are approximately 450

naturally occurring cases of diseases or conditions that are identified in the Centers for Disease Control and Prevention's list of category ''A'' biological threat agents. The number of cases that would result from a terrorist event or other public health emergency is uncertain. Based on its knowledge of similar types of submissions, FDA estimates that it will take about 2 hours to prepare each certification. We estimate the operating and maintenance cost of $200 for copying and mailing the information to FDA.

Based on its knowledge of similar types of submissions, FDA estimates that it will take about 1 hour to prepare a report disclosing the investigational status of the in vitro diagnostic device and what is known about the performance characteristics of the device and submit it to the health care provider and, where appropriate, to public health authorities.

In the **Federal Register** of April 18, 2017 (82 FR 18294), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours	Total operating and maintenance costs
Written certification (sent to FDA)—50.23(e)(3).	150	3	450	0.25 (15 minutes)	113	$200

[1] There are no capital costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

21 CFR Part	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Written certification (sent to IRB)—50.23(e)(1) and (2)	150	3	450	2	900
Informed consent information—50.23(e)(4)	150	3	450	1	450
Total					1,350

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: August 17, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–17702 Filed 8–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0258]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Submission of Petitions: Food Additive, Color Additive (Including Labeling), Submission of Information to a Master File in Support of Petitions; and Electronic Submission Using Food and Drug Administration Form 3503

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 September 21, 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 0910–0016 and title ''Submission of Petitions: Food Additive, Color Additive (Including Labeling), Submission of Information to a Master File in Support of Petitions; and Electronic Submission Using Food and Drug Administration Form 3503.'' Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Submission of Petitions: Food Additive, Color Additive (Including Labeling), Submission of Information to a Master File in Support of Petitions; and Electronic Submission Using Food and Drug Administration Form 3503—21 CFR 70.25, 71.1, and 171.1, and 21 CFR parts 172, 173, 179, and 180; OMB Control Number 0910–0016—Extension.

Section 409(a) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 348(a)) provides that a food additive shall be deemed to be unsafe, unless: (1) The additive and its use, or intended use, are in conformity with a regulation issued under section 409 of the FD&C Act that describes the condition(s) under which the additive may be safely used; (2) the additive and its use, or intended use, conform to the terms of an exemption for investigational use; or (3) a food contact notification submitted under section 409(h) is effective. Food additive petitions (FAPs) are submitted by individuals or companies to obtain approval of a new food additive or to amend the conditions of use permitted

under an existing food additive regulation. Section 171.1 of FDA's regulations (21 CFR 171.1) specifies the information that a petitioner must submit to establish that the proposed use of a food additive is safe and to secure the publication of a food additive regulation describing the conditions under which the additive may be safely used. Parts 172, 173, 179, and 180 (21 CFR parts 172, 173, 179, and 180) contain labeling requirements for certain food additives to ensure their safe use.

Section 721(a) of the FD&C Act (21 U.S.C. 379e(a)) provides that a color additive shall be deemed to be unsafe unless the additive and its use are in conformity with a regulation that describes the condition(s) under which the additive may safely be used, or the additive and its use conform to the terms of an exemption for investigational use issued under section 721(f). Color additive petitions (CAPs) are submitted by individuals or companies to obtain approval of a new color additive or a change in the conditions of use permitted for a color additive that is already approved. Section 71.1 of the Agency's regulations (21 CFR 71.1) specifies the information that a petitioner must submit to establish the safety of a color additive and to secure the issuance of a regulation permitting its use. FDA's color additive labeling requirements in § 70.25 (21 CFR 70.25) require that color additives that are to be used in food, drugs, medical devices, or cosmetics be labeled with sufficient information to ensure their safe use.

FDA scientific personnel review FAPs to ensure the safety of the intended use of the additive in or on food, or that may be present in food as a result of its use in articles that contact food. Likewise, FDA personnel review CAPs to ensure the safety of the color additive prior to its use in food, drugs, medical devices, or cosmetics.

Interested persons may transmit FAP or CAP regulatory submissions in electronic format or paper format to the Office of Food Additive Safety in the Center for Food Safety and Applied Nutrition using Form FDA 3503. Form FDA 3503 helps the respondent organize their submission to focus on the information needed for FDA's safety review. Form FDA 3503 can also be used to organize information within a master file submitted in support of petitions according to the items listed on the form. Master files can be used as repositories for information that can be referenced in multiple submissions to the Agency, thus minimizing paperwork burden for food and color additive approvals. FDA estimates that the amount of time for respondents to complete Form FDA 3503 will continue to be 1 hour.

Description of Respondents: Respondents are businesses engaged in the manufacture or sale of food, food ingredients, color additives, or substances used in materials that come into contact with food.

In the **Federal Register** of May 30, 2017 (82 FR 24718), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section/FDA form	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours	Total operating and maintenance costs
Color Additive Petitions						
70.25, 71.1	2	1	2	1,337	2,674	$5,600
Food Additive Petitions						
171.1	3	1	3	7,093	21,279	0
FDA Form 3503	6	1	6	1	6	0
Total					23,959	5,600

[1] There are no capital costs associated with this collection of information.

The estimate of burden for food additive or color additive petitions is based on FDA's experience with the petition process. The burden for this information collection has changed since the last OMB approval because the Generally Recognized as Safe affirmations have been removed pursuant to the implementation of ''Substances Generally Recognized as Safe; Final Rule,'' August 17, 2016 (81 FR 54960), 21 CFR parts 20, 25, 170, 184, 186, and 570. FDA is retaining its prior estimate of the number of petitions received because the average number of petitions received annually has varied little over the past 10 years. The figures for hours per response are based on estimates from experienced persons in the Agency and in industry. Although the estimated hour burden varies with the type of petition submitted, an average petition involves analytical work and appropriate toxicological studies, as well as the work of drafting the petition itself. The burden varies depending on the complexity of the petition, including the amount and types of data needed for scientific analysis.

Color additives are subjected to payment of fees for the petitioning process. The listing fee for a color additive petition ranges from $1,600 to $3,000, depending on the intended use of the color additive and the scope of minimum information needed for labeling in order that food and color manufacturers may comply with all applicable provisions of the FD&C Act and other specific labeling acts administered by FDA. Labeling information does not require any additional information gathering beyond what is already required to assure conformance with all specifications and limitations in any given food or color additive regulation. Labeling information does not have any specific recordkeeping requirements unique to preparing the label. Therefore, because labeling requirements under § 70.25 for a particular color additive involve information required as part of the CAP safety review process, the estimate for number of respondents is the same for §§ 70.25 and 71.1, and the burden hours

for labeling are included in the estimate for § 71.1. Also, because labeling requirements under parts 172, 173, 179, and 180 for particular food additives involve information required as part of the FAP safety review process under § 171.1, the burden hours for labeling are included in the estimate for § 171.1.

Dated: August 17, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–17703 Filed 8–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0623]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Voluntary Cosmetic Registration Program

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (PRA).

DATES: Fax written comments on the collection of information by September 21, 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 0910–0027. 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.

Voluntary Cosmetic Registration Program—21 CFR Parts 710 and 720

OMB Control Number 0910–0027—Extension

The Federal Food, Drug, and Cosmetic Act (the FD&C Act) provides us with the authority to regulate cosmetic products in the United States. Cosmetic products that are adulterated under section 601 of the FD&C Act (21 U.S.C. 361) or misbranded under section 602 of the FD&C Act (21 U.S.C. 362) may not be distributed in interstate commerce. We have developed the Voluntary Cosmetic Registration Program (VCRP) to assist us in carrying out our responsibility to regulate cosmetics.

FDA is revising forms for the VCRP (Forms FDA 2511, 2512, 2512a, and 2514) currently approved under OMB control number 0910–0027, ''Voluntary Cosmetic Registration Program,'' for the following reasons: (1) Modernizing the forms; (2) Making it easier for filers who complete the forms; and (3) reducing the time it will take FDA to review each submission. In addition, Form FDA 2514 will be eliminated as it duplicates information that is currently located on Form FDA 2512. FDA requests PRA approval for the proposed changes to these forms, and for the elimination of Form FDA 2514.

Participation in the VCRP is voluntary under provisions found in sections parts 710 and 720 (21 CFR parts 710 and 720). Participants have the option of submitting information via paper forms or via the online interface. The term ''form'' refers to both the paper form and the online system.

Currently, in part 710, we request that establishments that manufacture or package cosmetic products voluntarily register with us using Form FDA 2511 entitled ''Registration of Cosmetic Product Establishment.'' The online version of Form FDA 2511 is available on our VCRP Web site at *https://www.fda.gov/Cosmetics/RegistrationProgram/default.htm.* We strongly encourage online registration with Form FDA 2511 because it is faster and more efficient for the filer and the Agency. A registering facility will receive confirmation of online registration, including a registration number by email. The online system also allows for amendments to past submissions.

Because registration of cosmetic product establishments is not mandatory, voluntary registration provides FDA with the best information available about the locations, business trade names, and types of activity (manufacturing or packaging) of cosmetic product establishments. We place the registration information in a computer database and use the information to generate lists for distributing regulatory information and for inviting firms to participate in workshops on topics in which they may be interested. Registration is permanent, although we request that respondents submit an amended Form FDA 2511 if any of the originally submitted information changes.

FDA's proposed changes to the forms through the use of an electronic submission system have been designed to make it easier for participants to provide information to FDA about their products. The system also assists participants, through interactive question and response scenarios, to identify submissions that will be ineligible to be accepted in VCRP because they do not meet parts 710 and 720 requirements. The electronic submission system is expected to reduce burden currently associated with the manual identification process for filers and FDA. The rejection rate for ineligible submissions when using the current forms is high: 51 percent for new accounts, 43 percent for Form FDA 2511 registrations, and 7 percent for Form FDA 2512 filings (2010–2016).

The revised forms include the addition of links between Forms FDA 2511 and 2512, clarification of what information should be entered onto the forms, additional self-identifying fields, removal of certain duplicative fields, and the deletion of Form FDA 2514. These changes are needed because both VCRP voluntary filer participation and FDA resources required to administer VCRP have increased significantly since 2014 (*i.e.,* increases in new accounts (156 percent), Form FDA 2511 registrations (405 percent), Form FDA 2512 filings (67 percent), and FDA review hours (59 percent) in 2016.)

FDA's current process confirms that each submission meets the requirements established in parts 710 and 720 by using a manual process for both filers and FDA reviewers that may result in a long waiting period where filers must wait and respond to questions generated by FDA, which may result in a high rejection rate. FDA projects a significant reduction in rejection rates when using the revised forms. Examples of possible burden savings for participants and FDA include:

(1) Form FDA 2511 asks filers if they are a manufacturer or packer; however, in the past, distributors and retailers have checked these boxes in error when neither applies to them because there are no distributor or retailer checkboxes on Form FDA 2511. Retailers have also filed Form FDA 2512 in error even though only manufacturers, packers,

and distributors are permitted to do so. To correct these issues, FDA revised Form FDA 2511 by updating the field that allows filers to indicate the ''TYPE OF ESTABLISHMENT: MANUFACTURER/PACKER/OTHER (Distributor or Retailer)'' and updating the field on Form FDA 2512 allowing the filer to indicate ''WHO IS FILING THIS STATEMENT: MANUFACTURER/PACKER/DISTRIBUTOR/OTHER (Retailer).''

(2) FDA revised Form FDA 2511 and added questions asking, ''Are you the owner or operator of this facility?'' and ''Is the address on this form the location of a cosmetic manufacturing and/or packing facility?''

(3) FDA also revised Form FDA 2512 and added questions asking, ''Is this product currently commercially distributed (annual sales exceed $1,000) in the United States?'', ''PRODUCT WEBSITE'', and ''Attach images of the front and back product labels to this form'' to ensure that only cosmetics in commercial distribution in the United States are filed in the VCRP.

(4) FDA linked Forms FDA 2511 and 2512 to reduce burden to filers who create multiple copies of Form FDA 2512 that share the same establishment addresses.

(5) FDA clarified the information that should be included on the forms by attaching simplified instructions and a link to VCRP online on Forms FDA 2511, 2512, and 2512a and adding titles and locations of various fields throughout Forms FDA 2511, 2512, and 2512a. We also added self-identifying information such as phone number, email, and alternative authorized individual fields to Forms FDA 2511 and 2512 to facilitate communication with the filers.

(6) We also removed fields that have no modern use or request redundant information in multiple locations.

(7) We removed Form FDA 2514 in its entirety due to redundancy. (As noted, filers may notify FDA that they are discontinuing a cosmetic product formulation on Form FDA 2512).

FDA's online filing system is available on FDA's VCRP Web site at *https://www.fda.gov/Cosmetics/Registration Program/default.htm.* The online filing system contains the online versions of Forms FDA 2511, 2512, and 2512a.

We place cosmetic product filing information in a computer database and use the information when FDA receives inquiries about cosmetics marketed in the United States. Because filing of cosmetic product formulations is not mandatory, voluntary filings with FDA provide us with the best information available about cosmetic products, ingredients, frequency of use, businesses engaged in the manufacture and distribution of cosmetics, and approximate rates of product discontinuance and formula modifications. The information assists our scientists in evaluating reports of adverse events submitted via MedWatch and Field Operators (FACTS). We also use the information in identifying future research projects, to evaluate the levels and safety of certain ingredients in cosmetics.

Links to explanations of the revisions to Forms FDA 2511, 2512, and 2512a and instructions are available at *https://www.fda.gov/Cosmetics/Registration Program/default.htm* and entitled ''Voluntary Cosmetic Registration Program.''

In the **Federal Register** of May 31, 2017 (82 FR 24977), we published a 60-day notice requesting public comment on the proposed extension of this collection of information. Two comments were received. One comment appeared to be a submission under 21 CFR 10.35 and 10.40(b)(3) and therefore is not addressed here. The second comment offered suggestions that FDA might consider regarding the content and format of reporting elements, but made no suggestion for FDA to revise its burden estimate. Accordingly, while the Agency is currently reviewing these suggestions to determine whether our current IT system may be upgraded to the benefit of respondents, we retain the burden estimate from our 60-day notice.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section or part	Form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Part 710 (registrations)	FDA 2511 [2]	934	1	934	0.20 (12 minutes)	187
720.1 through 720.4 (new submissions)	FDA 2512 [3]	7,108	1	7,108	0.33 (20 minutes)	2,346
720.6 (amendments)	FDA 2512	4,049	1	4,049	0.17 (10 minutes)	688
720.6 (notices of discontinuance)	FDA 2512	95	1	95	0.10 (6 minutes)	10
720.8 (requests for confidentiality)		1	1	1	2	2
Total						3,233

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

[2] The term ''Form FDA 2511'' refers to both the paper Form FDA 2511 and online Form FDA 2511 in the online system known as the VCRP, which is available at *https://www.fda.gov/Cosmetics/RegistrationProgram/default.htm.*

[3] The term ''Form FDA 2512'' refers to the paper Forms FDA 2512, and 2512a and online Form FDA 2512 in the online system known as the VCRP, which is available at *https://www.fda.gov/Cosmetics/RegistrationProgram/default.htm.*

We base our estimate of the total annual responses on paper and online submissions received during calendar year 2016. We base our estimate of the hours per response upon information from cosmetic industry personnel and FDA experience entering data submitted on paper Forms FDA 2511, 2512, and 2512a into the online system.

We estimate that, annually, 934 establishments that manufacture or package cosmetic products will each submit 1 registration on Form FDA 2511, for a total of 934 annual responses. Each submission is estimated to take 0.20 hour per response for a total of 186.8 hours, rounded to 187. The number of Form FDA 2511 submissions has increased 405 percent compared to 2014 and we have no indication that this submission rate will stop increasing. We estimate that, annually, firms that manufacture, pack, or distribute cosmetics will file 7,108 ingredient statements for new or amended submissions on Forms FDA 2512 and FDA 2512a. Each submission is estimated to take 0.33 hour per response for a total of 2345.64 hours, rounded to 2,346. We estimate the number of Form FDA 2512 submissions to increase 67 percent compared to 2014 and we have no indication that this submission rate will stop increasing. We estimate that, annually, firms that manufacture, pack, or distribute

cosmetics will file 4,049 amendments to product formulations on Forms FDA 2512 and FDA 2512a. Each submission is estimated to take 0.17 hour per response for a total of 688.33 hours, rounded to 688. We estimate that, annually, firms that manufacture, pack, or distribute cosmetics will file 95 notices of discontinuance on Form FDA 2512. Each submission is estimated to take 0.10 hour per response for a total of 9.5 hours, rounded to 10. We estimate that, annually, one firm will file one request for confidentiality. Each such request is estimated to take 2 hours to prepare for a total of 2 hours. Thus, the total estimated hour burden for this information collection is 3,233 hours.

Dated: August 17, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–17701 Filed 8–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[CMS–3340–N]

Secretarial Review and Publication of the National Quality Forum Report of 2016 Activities to Congress and the Secretary of the Department of Health and Human Services

AGENCY: Office of the Secretary of Health and Human Services, HHS.

ACTION: Notice.

SUMMARY: This notice acknowledges that in accordance with section 1890(b)(5)(B) of the Social Security Act (the Act) the Secretary of the Department of Health and Human Services (the Secretary) has received and reviewed the National Quality Forum (NQF) Report of 2016 Activities to Congress and the Secretary of the Department of Health and Human Services submitted by the consensus-based entity with whom the Secretary has a contract under section 1890(a) of the Act. The purpose of this **Federal Register** notice is to publish the report, together with the Secretary's comments on such report.

FOR FURTHER INFORMATION CONTACT: Sophia Chan, (410) 786–5050.

I. Background

The Secretary of the Department of Health and Human Services (the Secretary) has long recognized that a high functioning health care system that provides higher quality care requires accurate, valid, and reliable measurement of quality and efficiency. Section 1890(a) of the Social Security Act (the Act), as added by section 183(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) (Pub. L. 110–275), requires the Secretary to identify and have in effect a contract with a consensus-based entity (CBE) to perform multiple duties described in subsection (b) that are designed to help improve performance measurement. The duties described in subsection (b) originally included a priority setting process, measure endorsement, measure maintenance, electronic health record promotion, and the preparation of an annual Report to Congress and the Secretary. Section 3003(b) of the Patient Protection and Affordable Care Act (Pub. L. 111–148) as amended by the Health Care and Education Reconciliation Act (Pub. L. 111–152) (collectively, the Affordable Care Act) expanded the duties of the CBE to require the CBE to review and, as appropriate, endorse the episode grouper developed by the Secretary under the Physician Feedback Program. Section 3014(a)(1) of the Affordable Care Act further expanded the duties to require the CBE to convene multi-stakeholder groups to provide input on the selection of quality and efficiency measures and national priorities for improvement in population health and in the delivery of health care services for consideration under the national strategy, and to transmit such input to the Secretary. Section 3014(a)(2) of the Affordable Care Act expanded the requirements for the annual report that must be submitted under section 1890(b)(5)(A) of the Act.

To meet the requirements of section 1890(a) of the Act, in January of 2009, the Department of Health and Human Services (HHS) awarded a competitive contract to the National Quality Forum (NQF). A second, multi-year contract was awarded to NQF after an open competition in 2012. This contract includes the following duties:

Priority Setting Process: Formulation of a National Strategy and Priorities for Health Care Performance Measurement. The CBE is required to synthesize evidence and convene key stakeholders to make recommendations on an integrated national strategy and priorities for health care performance measurement in all applicable settings. In doing so, the CBE is to give priority to measures that: (1) Address the health care provided to patients with prevalent, high-cost chronic diseases; (2) have the greatest potential for improving quality, efficiency and patient-centeredness of health care; and (3) may be implemented rapidly due to existing evidence, standards of care, or other reasons. Additionally, the CBE must take into account measures that: (1) May assist consumers and patients in making informed health care decisions; (2) address health disparities across groups and areas; and (3) address the continuum of care a patient receives, including across multiple providers, practitioners and settings.

Endorsement of Measures. The CBE is required to provide for the endorsement of standardized health care performance measures. This process must consider whether measures are evidence-based, reliable, valid, verifiable, relevant to enhanced health outcomes, actionable at the caregiver level, feasible to collect and report, responsive to variations in patient characteristics such as health status, language capabilities, race or ethnicity, and income level and consistent across types of health care providers, including hospitals and physicians.

Maintenance of CBE Endorsed Measures. The CBE is required to establish and implement a process to ensure that endorsed measures are updated (or retired if obsolete) as new evidence is developed.

Review and Endorsement of an Episode Grouper Under the Physician Feedback Program. ''Episode-based'' performance measurement is an approach to better understanding the utilization and costs associated with a certain condition by grouping together all the care related to that condition. ''Episode groupers'' are software tools that combine data to assess such condition-specific utilization and costs over a defined period of time. The CBE is required to provide for the review, and as appropriate, endorsement of an episode grouper as developed by the Secretary on an expedited basis.

Convening Multi-Stakeholder Groups. The CBE must convene multi-stakeholder groups to provide input on: (1) The selection of certain categories of quality and efficiency measures, from among such measures that have been endorsed by the entity; and such measures that have not been considered for endorsement by such entity but are used or proposed to be used by the Secretary for the collection or reporting of quality and efficiency measures; and (2) national priorities for improvement in population health and in the delivery of health care services for consideration under the national strategy. The CBE provides input on measures for use in certain specific Medicare programs, for use in programs that report performance information to the public, and for use in health care programs that are not included under the Act. The multi-stakeholder groups provide input on quality and efficiency measures for use in certain federal programs including

those that address certain Medicare services provided through hospices, hospital inpatient and outpatient facilities, physician offices, cancer hospitals, end stage renal disease (ESRD) facilities, inpatient rehabilitation facilities, long-term care hospitals, psychiatric hospitals, and home health care programs. For Medicaid and the Children's Health Insurance Program (CHIP), the multi-stakeholder groups provide input on measures to be included as part of the Medicaid and CHIP Child and Adult Core Sets.

Transmission of Multi-Stakeholder Input. Not later than February 1 of each year, the CBE is required to transmit to the Secretary the input of multi-stakeholder groups.

Annual Report to Congress and the Secretary. Not later than March 1 of each year, the CBE is required to submit to Congress and the Secretary of HHS an annual report. The report is required to describe the following:

- The implementation of quality and efficiency measurement initiatives and the coordination of such initiatives with quality and efficiency initiatives implemented by other payers;
- Recommendations on an integrated national strategy and priorities for health care performance measurement;
- Performance by the CBE on the duties required under its contract with HHS;
- Gaps in endorsed quality and efficiency measures, including measures that are within priority areas identified by the Secretary under the national strategy established under section 399HH of the Public Health Service Act (National Quality Strategy), and where quality and efficiency measures are unavailable or inadequate to identify or address such gaps;
- Areas in which evidence is insufficient to support endorsement of quality and efficiency measures in priority areas identified by the Secretary under the National Quality Strategy, and where targeted research may address such gaps; and
- The convening of multi-stakeholder groups to provide input on: (1) the selection of quality and efficiency measures from among such measures that have been endorsed by the CBE and those that have not been considered for endorsement by the CBE but are used or proposed to be used by the Secretary for the collection or reporting of quality and efficiency measures; and (2) national priorities for improvement in population health and the delivery of health care services for consideration under the National Quality Strategy.

The statutory requirements for the CBE to annually Report to Congress and the Secretary of HHS also specify that the Secretary must review and publish the CBE's annual report in the **Federal Register**, together with any comments by the Secretary on the report, not later than 6 months after receiving it.

This **Federal Register** notice complies with the statutory requirement for Secretarial review and publication of the CBE's annual report. NQF submitted a report on its 2016 activities to the Secretary on March 1, 2017. Comments of the Secretary on this report are presented below in section II and the actual 2017 Annual Report to Congress is provided as an addendum to this **Federal Register** notice.

II. Secretarial Comments on the NQF Report of 2016 Activities to Congress and the Secretary of the Department of Health and Human Services

Once again we thank the National Quality Forum (NQF) and the many stakeholders who participate in NQF projects for helping to advance the science and utility of health care quality measurement. As part of its annual recurring work to maintain a strong portfolio of endorsed measures for use across varied providers, settings of care, and health conditions, NQF reports that in 2016 it updated its portfolio of approximately 600 endorsed measures by reviewing and endorsing or re-endorsing 197 measures and removing 87 measures. Endorsed measures facilitate the goals of improving care for highly prevalent conditions, fostering better care and coordination, and making the healthcare system more responsive to patient and family needs. These endorsed measures address a wide range of health care topics relevant to HHS programs, including: Person- and family-centered care; care coordination; palliative and end-of-life care; cardiovascular care; behavioral health; pulmonary/critical care; perinatal care; cancer treatment; patient safety; and cost and resource use.

In addition to adding and re-endorsing new and existing measures, some measures were also removed from the portfolio for a variety of reasons (for example, no longer meeting endorsement criteria; harmonization with other similar measures; retirement by the measures developers; replacement with improved measures; and lack of continued need because providers consistently perform at the highest level on those measures). This continuous refinement of the measures portfolio through the measures maintenance process ensures that quality measures remain aligned with current field practices and health care goals. NQF also reports that in 2016 it continued to support the National Quality Strategy (NQS) by endorsing measures linked to the NQS priorities and convening diverse stakeholder groups to reach consensus on key strategies for performance measurement.

In addition, in 2016 NQF undertook and continued a number of projects to address difficult quality measurement issues and reduce the burden of quality measures for clinicians. An important area that NQF continued to address was the issue of attribution, or the process used to assign accountability for a patient and his or her quality outcomes to a clinician, a group of clinicians, or a facility. HHS agrees that engaging clinicians and clearly communicating the methods and benchmarks used to determine attribution are foundational principles in quality measurement. Having clear methods for attribution helps clinicians understand the information given to them from quality measures, and allows for clinicians to make actionable changes to their clinical practices. When clinicians receive meaningful feedback regarding performance measurement, they can use it to implement best practices. Clear performance data reduce clinicians' burden in deciphering quality measurement information and allows them to focus on how best to improve care. While attribution models may differ, clinician engagement, transparency, and clear, usable data remain fundamental to quality measurement.

NQF's work on attribution began in 2015 when NQF convened a multi-stakeholder committee to examine attribution models and recommend principles to guide the selection and implementation of approaches. This work has resulted in a thorough list of potential approaches to validly and reliably attribute performance measurement results to one or more clinicians under different delivery models and to identify models of attribution for potential testing. The committee first convened in December 2015 and performed an environmental scan to identify attribution models currently in use and models that have been proposed but not implemented. The environmental scan identified 171 unique attribution models, 27 of which have been implemented and 144 of which remain proposals only. The models differed across care settings, payment models, and in methodology, but there were also areas of similarity. After reviewing and discussing the scan, the committee defined several guiding principles to inform the development of

successful attribution models. In addition, the committee developed an Attribution Model Selection Guide and outlined their findings in a report published in December 2016. See ''Attribution—Principles and Approaches'', National Quality Forum, December 2016, *https://www.qualityforum.org/Publications/2016/12/Attribution_-_Principles_and_Approaches.aspx*.

Attribution is just one of many areas in which NQF partners with HHS in enhancing and protecting the health and well-being of all Americans. Quality measurement is essential to a high-functioning healthcare system, as evidenced in many of the targeted projects that NQF is being asked to undertake. HHS greatly appreciates the ability to bring many and diverse stakeholders to the table to help develop the strongest possible approaches to quality measurement as a key component of our healthcare system. We look forward to a continued strong partnership with the National Quality Forum in this ongoing endeavor.

III. 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.*).

IV. Addendum

In this Addendum, we are publishing the *NQF Report on 2016 Activities to Congress and the Secretary of the Department of Health and Human Services.*

Dated: August 16, 2017.

Thomas E. Price,

Secretary, Department of Health and Human Services.

BILLING CODE 4150–28–P

NATIONAL QUALITY FORUM

NQF Report of 2016 Activities to Congress and the Secretary of the Department of Health and Human Services

March 1, 2017

This report was funded by the U.S. Department of Health and Human Services under contract number HHSM-500-2012-00009I Task Order HHSM-500-T0009.

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I. Executive Summary

The public-private, bipartisan commitment to improve healthcare quality and reduce healthcare spending remains strong. Performance measurement is an integral part of achieving these goals. Current reforms to healthcare delivery and value-based payment systems, as well as proposed market-oriented strategies to enhance the value of healthcare and reduce the measurement burden on providers, all rely on good, widely trusted, evidence-based quality measures. Measures of quality and safety support transparency, catalyze improvements, help to gauge the success of reform efforts, and ensure that patients receive high-quality, cost-efficient care. In short, quality measures help Americans to know that the care they are receiving is safe and effective.

The National Quality Forum (NQF) is an independent organization that brings together public- and private-sector stakeholders from across the healthcare spectrum to determine the measures that drive improvement in the nation's health. Importantly, NQF facilitates private-sector recommendations for quality measures used in federal programs, provides guidance to reduce redundant or unnecessary measures used in these programs, advances the science of performance measurement, and identifies and addresses critical clinical and cross-cutting areas, called gaps, where measures are too few or nonexistent.

Through two federal statutes and several extensions, Congress has recognized the role of a "consensus based entity" (CBE), currently NQF, in helping to forge agreement across the public and private sectors about what to measure and improve in healthcare. The 2008 Medicare Improvements for Patients and Providers Act (MIPPA) (PL 110-275) established the responsibilities of the consensus-based entity by creating section 1890 of the Social Security Act. The 2010 Patient Protection and Affordable Care Act (ACA) (PL 111-148) modified and added to the consensus-based entity's responsibilities. The American Taxpayer Relief Act of 2012 (PL 112-240) extended funding under the MIPPA statute to the consensus-based entity through fiscal year 2013. The Protecting Access to Medicare Act of 2014 (PL 113-93) extended funding under the MIPPA and ACA statutes to the consensus-based entity through March 31, 2015. The Medicare Access and CHIP Reauthorization Act of 2015 (MACRA) (PL 114-10) extended funding to the CBE for quality measure endorsement, input, and selection for fiscal years 2015 through 2017. Bipartisan action by numerous Congresses over numerous years has reinforced the importance of the role of the CBE.

In accordance with section 1890 of the Social Security Act, NQF, in its designation as the CBE, is charged to report annually on its work to Congress and the Secretary of the Department of Health and Human Services (HHS).

As amended by the above laws, the Social Security Act (the Act)—specifically section 1890(b)(5)(A)—mandates that the entity report to Congress and the Secretary of the Department of Health and Human Services (HHS) no later than March 1st of each year.

The report must include descriptions of:

1) how NQF has implemented quality and efficiency measurement initiatives under the Act and coordinated these initiatives with those implemented by other payers;

2) NQF's recommendations with respect to an integrated national strategy and priorities for health care performance measurement in all applicable settings;

3) NQF's performance of the duties required under its contract with HHS (Appendix A);

4) gaps in endorsed quality and efficiency measures, including measures that are within priority areas identified by the Secretary under HHS' national strategy, and where quality and efficiency measures are unavailable or inadequate to identify or address such gaps;

5) areas in which evidence is insufficient to support endorsement of measures in priority areas identified by the National Quality Strategy, and where targeted research may address such gaps; and

6) matters related to convening multistakeholder groups to provide input on: a) the selection of certain quality and efficiency measures, and b) national priorities for improvement in population health and in the delivery of healthcare services for consideration under the National Quality Strategy.[1]

This eighth annual report, titled *NQF Report on 2016 Activities to Congress and the Secretary of the Department of Health and Human Services*, highlights and summarizes the work that NQF performed between January 1 and December 31, 2016 under contract with HHS in the following six areas:

- Recommendations on the National Quality Strategy and Priorities;
- Quality and Efficiency Measurement Initiatives (Performance Measures);
- Stakeholder Recommendations on Quality and Efficiency Measures;
- Gaps on Endorsed Quality and Efficiency Measures across HHS Programs;
- Gaps in Evidence and Targeted Research Needs; and
- Coordination with Measurement Initiatives by Other Payers.

The deliverables produced under contract in 2016 are referenced throughout this report, and a full list is included in Appendix A. Immediately following is a summary of NQF's work in 2016 in each of these aforementioned six areas. These topics are discussed in further detail in the body of the report.

Recommendations on the National Quality Strategy and Priorities

NQF brought together organizations in the public and private sectors to provide input into HHS's development of a National Quality Strategy (NQS) and related priorities for the nation. The NQS continues to inform NQF's work and the work of many organizations across the public and private sectors. In 2016 specifically, NQF concluded work in two areas of importance: population health within communities and the need to address gaps in quality measurement for home and community-based services (HCBS).

The Population Health project established a framework that defined 10 interrelated elements that could help multisector groups within a community work together to improve population health. The Home and Community-Based Services project addressed the gaps in performance measures for services provided outside of institutional settings. By identifying key aspects of home and community-based care that should be measured, this project laid the groundwork for future measure development needed to create an infrastructure for HCBS quality measurement and care delivery.

Quality and Efficiency Measurement Initiatives (Performance Measures)

Quality measures are central to the healthcare delivery and payment reform efforts currently underway. NQF's role and contribution to these reform efforts is to identify high-value measures that can be used in these reforms that can accurately discern the quality of provider performance. NQF's measurement science efforts in 2016 focused on three areas—attribution, variation of measures, and value-set harmonization—that aimed to streamline measures and address the challenges that hinder the use of measures by both public and private stakeholders.

As a consensus-based entity (CBE) under the Social Security Act, NQF sets standards by endorsing quality measures that meet rigorous criteria, ensuring that endorsed measures used in public and private quality improvement programs can accurately discern the quality of provider performance. Measure endorsement and maintenance projects ensure that NQF's portfolio of endorsed measures contains the most accurate and effective measures across a variety of clinical and cross-cutting topic areas. Public and private sector programs can use these measures for quality improvement and payment knowing that the measures have met criteria of scientific acceptability, usability, and feasibility.

In 2016, NQF endorsed 197 measures and removed 87 measures from its measurement portfolio.

NQF endorsed measures in order to:

Drive the healthcare system to be more responsive to patient/family needs. This work included continued projects in Person- and Family-Centered Care, Care Coordination, and Palliative and End-of-Life Care. Each project included the endorsement of patient-reported outcome performance measures and patient experience surveys.

Improve care for highly prevalent conditions. NQF's endorsement projects addressed conditions in the areas of cardiovascular care; renal care; endocrine conditions; behavioral health; eye care and ear, nose, and throat conditions; pulmonary/critical care; neurology; perinatal and reproductive health; infectious disease; and cancer.

Emphasize cross-cutting areas to foster better care and coordination. This work included endorsement projects in behavioral health, patient safety, cost and resource use, and all-cause admissions and readmissions.

Stakeholder Recommendations on Quality and Efficiency Measures

The Measure Applications Partnership (MAP) is a public-private partnership convened by NQF that provides input to HHS on the selection of quality and efficiency measures for performance-based payment and public-reporting programs in federal programs. The private sector also frequently adopts MAP's recommendations. MAP comprises representatives from more than 90 major, private-sector, stakeholder organizations and seven federal agencies. MAP's careful balance of private and public stakeholders' interests ensures that the federal government receives varied and thoughtful input on the selection, as well as guidance on the future removal of, performance measures in quality reporting and payment programs.

MAP's work fosters the use of an aligned or more uniform set of measures across federal and state programs and the public and private sectors. Alignment or use of the same measures helps better focus providers on key areas in which to improve quality; reduces wasteful data collection for hospitals, physicians, and nurses; and helps to curb the proliferation of similar, redundant measures which can confuse patients and payers.

During the 2015-2016 reporting period, MAP convened three care setting-specific workgroups—Clinician, Hospital, and Post-Acute Care/Long-Term Care (PAC/LTC)— to review proposed measures for use in Medicare, Medicaid, and private sector public-reporting and performance-based payment programs. For the 2015-2016 pre-rulemaking process, MAP reviewed 131 measures—recommending 109 either for use in a federal program or for continued development. MAP convened again in late 2016 to review approximately 100 measures for the 2016-2017 pre-rulemaking process.

MAP also convened task forces to address the unique needs of Medicare and Medicaid dual-eligible beneficiaries (also referred to as "Medicare-Medicaid enrollees") as well as to make recommendations on strengthening the Adult and Child Core Sets of Health Care Quality Measures for Medicaid and CHIP programs. With feedback from state leaders, MAP examined state experiences in implementing the Core Measure Sets and made recommendations on how to strengthen these sets going forward.

Gaps on Endorsed Quality and Efficiency Measures across HHS Programs

NQF undertakes several different activities to identify gaps in measures in order to alert measure developers and policymakers about pressing measurement needs. In 2016, the committees that NQF convened to review measures and make endorsement recommendations discussed gaps that exist in current project measure portfolios. Across the six completed projects in the areas of eye care and ear, nose, and throat conditions; neurology; palliative and end-of-life care; pediatrics; perinatal and reproductive health; and pulmonary and critical care, the committees identified measurement gap areas that include many costly, prevalent and difficult-to-manage chronic conditions.

MAP also provides guidance on measure gaps in federal programs. Each setting-of-care workgroup—Clinician, Hospital, and PAC/LTC—identifies specific gaps in quality and measurement for its care setting and related federal programs.

In addition, the MAP Medicaid task forces for the Adult and Child Core Sets as well as the MAP Workgroup on Dual Eligible Beneficiaries highlight quality and measurement gaps in relation to their specific population and programs. MAP highlights where measures do not yet exist for the most vulnerable patient populations and assesses the field's progress toward filling these high-priority measurement gaps.

Gaps in Evidence and Targeted Research Needs

NQF uses its deep knowledge of performance measurement in conjunction with the expertise of its committee members to identify gaps in evidence and further the field of measurement science. In 2016, NQF undertook projects related to electronic health records (EHR) and health information technology (Health IT), disparities, diagnostic accuracy, and care transitions in emergency departments.

EHRs and other Health IT systems have the potential to drive improvements in healthcare, reduce harm to patients, and make care better coordinated and less costly, but many barriers still hinder the promise of Health IT. In 2016, NQF continued work on HIT-related projects, including the prioritization and identification of Health IT patient safety measures, development of Common Formats used by providers to report patient safety events, enhancing interoperability between EHRs, and assessing the efficacy of telehealth designed to address these barriers.

NQF also launched a project that addresses vulnerable populations and new areas of measurement for which data are lacking. The recently launched NQF Disparities Committee works to better understand and explore the presence of disparities based on social risk factors, building upon NQF's previous leadership in this area. Two additional new projects started in 2016 will focus on improving diagnostic quality and care transitions in the emergency department—both areas for which measures currently do not exist.

Coordination with Measurement Initiatives by Other Payers

NQF also worked in partnership with payers, health plans, and other stakeholders to advance private-public efforts to align the use of quality measures. Measure alignment can reduce the burden of measurement by having providers collect data and report on the same metrics across multiple payers, rather than having to report on a different set of measures for each public or private health plan. Alignment also helps providers to focus better on key areas in which to improve quality and helps to curb the proliferation of similar, redundant measures which can confuse patients and payers.

NQF contributed technical guidance to the workgroups of the Core Quality Measures Collaborative, an initiative convened by America's Health Insurance Plans (AHIP) which included participation by the Centers for Medicare & Medicaid Services (CMS). The workgroups worked to identify a more limited, aligned set of measures that both the public and private sectors would use to evaluate the performance of physicians and other providers going forward.

NQF also launched a project to identify measures to support states' efforts to reform Medicaid payment and service delivery. The Medicaid Innovation Accelerator project authorized under the ACA section 3021 will provide the CMS Center for Medicaid and Children's Health Insurance Program (CHIP) Services (CMCS) with aligned measure sets across multiple states to support effort in four program areas: reducing substance use disorders, improving care for beneficiaries with complex care needs and high costs, promoting community integration through community-based, long-term care services and supports, and supporting the integration of physical and mental health.

II. Recommendations on the National Quality Strategy and Priorities

Section 1890(b)(1) of the Social Security Act (the Act), mandates that the consensus-based entity (entity) shall "synthesize evidence and convene key stakeholders to make recommendations . . . on an integrated national strategy and priorities for health care performance measurement in all applicable settings. In making such recommendations, the entity shall ensure that priority is given to measures: (i) that address the health care provided to patients with prevalent, high-cost chronic diseases; (ii) with the greatest potential for improving the quality, efficiency, and patient-centeredness of health care; and (iii) that may

be implemented rapidly due to existing evidence, standards of care, or other reasons." In addition, the entity is to "take into account measures that: (i) may assist consumers and patients in making informed healthcare decisions; (ii) address health disparities across groups and areas; and (iii) address the continuum of care a patient receives, including services furnished by multiple health care providers or practitioners and across multiple settings."[2]

In 2010, at the request of HHS, the NQF-convened National Priorities Partnership (NPP) provided input that helped shape the initial version of the National Quality Strategy (NQS) that HHS released in March 2011.[3] The NQS set forth a cohesive roadmap for achieving better, more affordable care, as well as better health. HHS accentuated the word "national" in its title, emphasizing that healthcare stakeholders across the country, both public and private, all play a role in making the NQS a success.

Annually, NQF has continued to further the National Quality Strategy by endorsing measures linked to the NQS priorities and by convening diverse stakeholder groups to reach consensus on key strategies for performance measurement and quality improvement. In 2016, NQF completed work in two emerging areas of importance that address the National Quality Strategy: population health within communities and measurement gap identification in home and community-based services.

Population Health

One of the National Quality Strategy's six priorities focuses on population health, which aims to "improve the health of the U.S. population by supporting proven interventions to address behavioral, social, and environmental determinants of health in addition to delivering higher-quality care." More specifically it emphasizes "working with communities to promote wide use of best practices to enable healthy living."[4]

Building on care delivery and payment reforms created by the Affordable Care Act (ACA), the federal government has greater opportunities to coordinate its improvement efforts with those of local communities in order to better integrate and align medical care and population health. Such efforts can help improve the nation's overall health and potentially lower costs.

In 2013, NQF convened a multistakeholder expert Committee to develop a practical road map for communities to coordinate resources to address the needs of their populations. In August 2016, NQF released the final deliverable of this three-year population health project. *Improving Population Health by Working with Communities: Action Guide 3.0* is a framework to help multisector groups work together to improve population health and includes 10 interrelated elements.

The guide serves as a practical manual, containing definitions, recommendations, real-world examples, and a range of resources to help communities achieve their shared goals and make lasting improvements in population health. The target audience of these recommendations includes community leaders, public health professionals, employers, healthcare providers, health plan administrators, policymakers, and consumer advocates interested in advancing population health. Communities and organizations focused on improving population health can use it as a starting point regardless of their existing structure.

A review of existing research and an assessment of initiatives from across the nation completed by NQF expert Committee members and staff identified the *Guide's* 10 elements. Over an 18-month period starting in September 2014, 10 field sites tested these elements to glean practical insights. The final publication builds upon two previously released versions of the guide and serves as a user-friendly guide for practitioners and organizations, with lessons learned and links to useful resources.

The 10 elements in the final guide include:

1) Collaborative self-assessment;
2) Leadership across the region and within organizations;
3) Audience-specific strategic communication;
4) A community health needs assessment and asset mapping process;
5) An organizational planning and priority setting process;
6) An agreed-upon, prioritized set of health improvement activities;
7) Selection and use of measures and performance targets;
8) Joint reporting on progress toward achieving intended results;
9) Indications of scalability; and
10) A plan for sustainability.

Home and Community-Based Services

Home and community-based services (HCBS) are vital to promoting independence and wellness for people with long-term care needs. The United States spends $130 billion each year on long-term services and support, a figure that is likely to increase dramatically as the number of Americans over age 65 is expected to double by the end of 2040.[5] Awarded in December 2014, this project spanned two years and concluded in September 2016 with the publication of the final report, *Quality in Home and Community-Based Services to Support Community Living: Addressing Gaps in Performance Measurement*.[6]

This project offered an important opportunity to address the gap in performance measures related to high-quality HCBS. Unlike other aspects of the healthcare and social services system, HCBS lacks any core set of prioritized quality measures. Stakeholders have also not yet reached consensus as to what HCBS quality entails. NQF convened a multistakeholder Committee to:

- Create a conceptual framework for measurement, including a definition for HCBS;
- Perform a synthesis of evidence and an environmental scan for measures and measure concepts;
- Identify gaps in HCBS measures based on the framework; and
- Make recommendations for HCBS measure development efforts.

Over the course of the project, NQF issued three interim reports. The first interim report, published in July 2015, described the Committee's foundational work of creating an operational definition, identified characteristics of high-quality HCBS, recommended domains of measurement, and illustrated the function of quality measurement in improving HCBS.[7] The second interim report, published in

December 2015, assessed the current HCBS quality measurement landscape, based on a synthesis of existing evidence and an environmental scan of measures, measure concepts, and instruments used or proposed for use in HCBS programs.[8]

Published in June 2016, the third interim report focused on the identification of gaps in measurement and prioritized areas for measure development, and made recommendations to advance measurement within each domain.[9] The Committee examined the number and types of measures as well as the overall state of measurement within each domain to inform its deliberations about where measures should be developed. The Committee provided short-term, intermediate, and long-term recommendations for the following domains within HCBS to better identify current gaps and prioritize measure development in each gap area:

- Service delivery and effectiveness;
- Person-centered planning and coordination;
- Choice and control;
- Community inclusion;
- Equity;
- Workforce;
- Human and legal rights;
- Consumer leadership in system development;
- Holistic health and functioning; and
- System accountability.

Noteworthy short-term recommendations include expanding the use of quality measures derived from assessment tools related to falls, medications, and immunizations; assessing the scientific acceptability and expanding the use of existing quality measures related to housing and homelessness, and validating and expanding measure concepts related to meaningful activity in the community. An example of a measure related to meaningful community activity is the percent of HCBS consumers reporting that they are able to participate in community social activities.

The report's intermediate recommendations focus on greater tool and resource development, such as investment in developing person-centered outcome measures that assess service delivery; development of person-centered quality measures derived from the various consumer surveys currently in use in the states and healthcare systems; and the examination of administrative data as a way to obtain demographic information to advance healthcare improvement.

Long-term recommendations focus on infrastructure and system reform. These recommendations include developing the system processes needed for the collection of data related to workforce and family/caregiver support and leveraging technological innovations to develop systems for monitoring indicators of population health, as well as indicators of health and service disparities.

The final report issued in September 2016 details the Committee's recommendations for how to advance quality measurement in HCBS.[10] Through their deliberations, the Committee members

identified gaps in measurement within all the domains and subdomains and discussed the barriers and challenges to measuring HCBS quality. These barriers and challenges include:

- The lack of a uniform set of measures that allow for comparisons across states, programs, populations, providers, and settings;
- The lack of a systematic approach to the collection and reporting of data needed from HCBS programs in state and local systems;
- The variability across the numerous federal, state, local and privately funded programs with respect to reporting requirements and the flexibility offered to states and providers to establish their own quality measures to meet requirements; and
- The added administrative burden of data collection, management, reporting, and incorporation into quality improvement activities.

Keeping these gaps and challenges in mind, the Committee crafted global and domain-specific recommendations for how resources should be invested to further a systematic and standardized approach to HCBS quality measurement. The recommendations below are primarily intended for use by HHS, but do have wider applicability across HCBS stakeholders:

- Support quality measurement across all recommended HCBS domains and subdomains;
- Build upon existing quality measurement efforts;
- Develop and implement a standardized approach to HCBS data collection, storage, analysis, and reporting;
- Cultivate and implement technology standards, such as testing and universal assessment tools, which are structured to facilitate HCBS quality measurement;
- Obtain a complete view and understanding of HCBS quality using the appropriate balance of measure types and units of analysis;
- Develop a core set of standard measures for use across the federal, state, local, and private HCBS systems, along with a menu of supplemental measures that can be targeted to distinct populations, settings, and programs; and
- Convene a standing panel of HCBS experts to evaluate and approve candidate measures.

The work of the Committee marked an important milestone in the evolution of HCBS measurement. However, much work still needs to be done. The measures that capture the many facets of HCBS quality will need to be evaluated against NQF's endorsement criteria. The infrastructure supporting HCBS quality measurement and care delivery also needs further development and strengthening. The goal of this work is to assure that Americans receive the highest quality home and community-based services, while helping individuals lead healthy, meaningful lives in their own communities.

III. Quality and Efficiency Measurement Initiatives (Performance Measurement)

Section 1890(b)(2) and (3) of the Social Security Act requires the consensus-based entity (CBE) to endorse standardized healthcare performance measures. The endorsement process must consider whether measures are evidence-based, reliable, valid, verifiable, relevant to enhanced health outcomes,

actionable at the caregiver level, feasible for collecting and reporting, responsive to variations in patient characteristics, and consistent across types of healthcare providers. In addition, the CBE must establish and implement a process to ensure that measures endorsed are updated (or retired if obsolete) as new evidence is developed.[11]

Healthcare performance measures are used by a range of healthcare stakeholders for a variety of purposes. Measures help clinicians, hospitals, and other providers understand whether the care they provide their patients is optimal and appropriate, and if not, where to focus their improvement efforts. In addition, performance measures are increasingly used in public and private reporting and value-based purchasing programs to inform patient choice and drive quality improvement.

Working with multistakeholder committees to build consensus, NQF reviews and endorses healthcare performance measures used in public and private quality improvement programs. The federal government, states, and private sector organizations use NQF-endorsed measures to evaluate performance and to share information with employers, patients, and their families. Providers use measures to gauge quality improvement within their own practices. Together, NQF-endorsed measures serve to enhance healthcare value by ensuring that consistent, high-quality performance information and data are available, which allows for comparisons across providers as well as the ability to benchmark performance. Currently NQF has a portfolio of 629 NQF-endorsed measures which are in widespread use. Subsets of this portfolio apply to particular settings and levels of analysis.

Cross-Cutting Projects to Improve the Measurement Process

In 2016, NQF's measurement science work continued to focus on three cross-cutting areas in order to specifically address challenges that hinder the use of measures in the field and data collection efforts to drive quality improvement programs in both the public and private sectors.

The first of these projects focused on attribution, a process to determine which physicians or other providers are ultimately responsible for the quality and outcomes of the care patients receive. In its role as the CBE, NQF convened an expert Committee to better understand current attribution models used in measures to assign patient outcomes to individual providers and determine ways in which attribution might be improved.

Attribution

Attribution is the methodological process used in measurement to assign patients and their quality outcomes to providers. Currently, there is a wide range of attribution models in use across the nation and limited information about model specifics in some cases. This prompts concerns from providers and other accountable entities that some models may inaccurately assign accountability for patients or outcomes. These issues have become increasingly important as patients increasingly receive care from multiple providers or receive care from teams of clinicians. In addition, under new delivery and payment models, such as bundled payments and advanced primary care models recognized under the Medicare Access and CHIP Reauthorization Act of 2015 (MACRA),[12] health outcomes may not be exclusively the result of the actions of a single provider, complicating the use of performance measures linked to individual clinicians.

NQF convened an expert Committee in early 2016 to begin to examine attribution models and conduct an environmental scan of those currently in use. Based on the findings of this scan, the Committee concluded that greater standardization among attribution models is needed both to allow comparisons between models and for best practices to emerge. The Committee also raised concerns about the transparency of attribution data and assignment. The method and benchmarks used to assign attribution to an individual provider need to be communicated clearly to those providers being reviewed. Another concern of the Committee was the lack of an accountable unit to which providers could appeal the results of attributed performance should they feel that their performance assessment was wrongly assigned. To address these concerns, the Committee focused on developing principles, recommendations, and an Attribution Model Selection Guide, described below. These efforts provide a robust evidence-based foundation for further study of this complex and fundamental measurement issue.

The Committee agreed on the following set of guiding principles:

1. Attribution models should fairly and accurately assign accountability.
2. Attribution models are an essential part of measure development, implementation, and policy and program design.
3. Availability of data should be a fundamental consideration in the design of an attribution model.
4. Attribution models should be regularly reviewed and updated.
5. Attribution models should be transparent and consistently applied.
6. Attribution models should align with the stated goals and purpose of the program.

The Committee developed an Attribution Model Selection Guide (Guide) (see Appendix B) to inform measure developers, measure evaluation committees, and program implementers on the necessary elements of an attribution method. The Guide enables stakeholders to pursue a systematic approach in the development, selection, and evaluation of attribution models.

The Guide walks stakeholders through a four-part question analysis to select the model that is most appropriate for their needs, and articulates strengths and weaknesses of different approaches. The guiding questions are:

- What is the context and goal of the accountability program?
- How do the measures relate to the context in which they are being used?
- Who are the entities receiving attribution?
- How is the attribution performed?

Published in the final report, *Attribution—Principles and Approaches,* the Committee's recommendations build upon the guiding principles and the Attribution Model Selection Guide.[13] These recommendations are intended for those developing, selecting, and implementing attribution models in public- and private-sector accountability programs. The Committee provided five recommendations and stressed the importance of having recommendations that are both aspirational and drive the field forward. Specifically, the Committee recommended:

1. The Attribution Model Selection Guide should be used to evaluate the factors to consider in the choice of an attribution model.
2. Attribution models should be tested.
3. Attribution models should be subject to multistakeholder review.
4. Attribution models should attribute care to entities which can influence care and outcomes.
5. Attribution models used in mandatory public reporting or payment programs should meet minimum criteria, including transparent methods that produce consistent results, adequate sample size for reliability, robust data sources to fairly attribute patients/cases to entities, and an open and transparent adjudication process.

As policymakers are increasingly linking quality of care to payment, and new care delivery models are predicated on shared accountability, it is essential that attribution models accurately and fairly assign responsibility for patient outcomes. Accuracy in attribution will enhance longer term provider buy-in, encourage clinical behaviors that improve health outcomes, and strengthen the culture of team-based care.

Variation of Measure Specifications

The Variation in Measure Specifications project addressed how measures are sometimes altered in the field and examined whether resulting changes in measure specifications ultimately affect measure comparability.

Measures apply to a diverse range of clinical areas, providers, settings, data sources, and programs. Frequently, when implementing a measure, organizations slightly modify its specifications to respond to their own patient populations or data availability but with the intent of assessing the same quality issue. This variation leads to challenges, including confusion for stakeholders, a heightened burden of data collection on providers, and greater difficulty when trying to compare altered measures across providers.

To address this challenge, NQF convened a multistakeholder Expert Panel to provide leadership, guidance, and input on the following objectives and tasks:

- Conduct an environmental scan to assess the current landscape of measure variation;
- Develop a conceptual framework to help identify, develop, and interpret variations in measure specifications and evaluate the effects of those variations;
- Develop a glossary of standardized definitions for a limited number of key measurement terms, concepts, and components that are known to be common sources of variation in otherwise similar measures; and
- Provide recommendations for core principles and guidance on how to mitigate variation and improve comparability across new and existing measures.

The environmental scan assessed the nature and extent of measure variation. The scan focused on how, where, and why variation occurs across the healthcare system through both a literature review and key informant interviews. Literature on this topic was limited. The project only identified 65 articles and reports, many tangentially related to measure variation.

The key informant interviews proved more informative. NQF developed an interview guide to ensure that each interview consisted of a standard set of questions related to measure variation, along with a subset of modified questions to address unique perspectives and experiences of the informant. Key informants represented the federal government, payers, measure implementers, quality collaboratives, consumers, and EHR developers.

Key informants consistently addressed three interrelated areas: data, measure complexity and clarity, and transparency. These areas, and data in particular, were identified either as contributing factors that cause variation and/or as elements of a strategy to address variation and mitigate its impact. Limited data leads to variation that arises from efforts to increase sample size and to improve the completeness of data elements.

Measure complexity is an additional cause of variation. Key informants called out risk adjustment, case-mix adjustment, and changes in criteria before the measure is calculated to narrow the target population, known as "exclusions," as the areas of measure complexity most challenging for frontline providers such as physicians, nurses, and nurse practitioners. The key informants also identified measure clarity as another cause of variation—specifically descriptions for numerators and denominators that are either unclear or incomplete.

Lack of transparency regarding measure variation was the concern most commonly cited by the key informants. Transparency could include acknowledgement that a measure has been changed and, if possible, disclosure of the extent and type of variation as well as the impact of the variation.

Based on the feedback in the environmental scan and two rounds of public comment, the Expert Panel developed a classification system that employs two main principles for identifying variation and assessing its effects.

The significance of variation substantially depends upon whether measures are being used for internal quality improvement (QI) programs or accountability purposes. If a measure is modified by a healthcare provider for its own QI efforts, this variation is likely to have little impact on any other provider. However, if a measure is being used for external accountability programs, then a healthcare provider's modification may undermine the comparability of measure results between providers. Measure variation can present at any stage of a measure's lifecycle—ideation, development, selection, implementation and use, and reporting. Interventions to mitigate unnecessary variation or transparency of necessary variation differs depending on where and when the variation occurs.

To address variation, the Expert Panel developed strategies that intend to (1) prevent variation from occurring in the first place, or (2) mitigate the effects of variation.

These strategies include:

- *Access to measures.* The most direct way of preventing variation is to ensure access to measures and their specifications, including regular updates from measure stewards regarding both existing measures and measures under development.

- *Identifying measures.* Searching for and identifying measures that accurately address end-user needs minimizes downstream variation.
- *Feedback loops.* Feedback loops between measure implementers and measure stewards allow for clarification and communication of measure-specific needs. The bidirectional exchange of information also can help prevent duplicative efforts.
- *Implementation guidance.* Precise, unambiguous, and complete specifications should be available for all measure implementers to reduce variation.
- *Data collection strategies.* Measure implementers should strive to obtain the data needed to calculate the measure as specified rather than create a variant.
- *Data auditing.* Auditing can identify and address variation through measure compliance reviews, which may include assessment of data source reliability, coding, and data abstraction.,

Mitigation strategies should be applied when variation is unavoidable or if the benefits of variation outweigh the consequences of changing the measure. The strategy to mitigate variation includes:

- *Feedback loops.* Communication is fundamental to receiving clarifications and current measure-related information. Feedback loops can both prevent and mitigate variation.
- *Transparency.* Measure implementers should make known any changes made to the measure specifications.
- *Collaboration.* The creation of a forum or collaborative would permit implementers to discuss their measurement needs, their reasons for variation, and share information about steps taken to minimize variations or other lessons learned.
- *Benchmarking.* Benchmarking may allow measure implementers to assess the impact of variation and determine whether the changes are appropriate or necessary.

The Expert Panel created a framework which articulates a series of critical decision points experienced both by those developing measures and those implementing measures for accountability programs. This framework guides the user to decide whether or not variation is needed and how to mitigate the associated consequences. The framework offers the following principles:

- *Promote comparability.* Measures used for payment, public reporting, and other accountability purposes should provide information that enables meaningful comparison of measured entities.
- *Reduce Burden.* Measurement efforts should be aligned, harmonized, and streamlined wherever possible to avoid redundant or unnecessary data collection and reporting burden for providers.
- *Protect innovation.* Alignment and harmonization[14] of measurement continue to be an important goal; however, efforts to reduce variation should not stifle innovation in measurement activities.
- *Meeting end-user needs.* End users of measures should be able to meet their needs with measurement, and efforts to reduce measure variation should allow for sufficient flexibility in adaptation of measures where appropriate.

- *Specificity*. Measures used for accountability programs should include precise, unambiguous, and complete specifications that minimize the need for interpretation to ensure consistency in implementation.
- *Transparency*. For types of variation that are warranted, increased information about the nature, scope, and impact of measure variation is needed. This transparency will help identify where unnecessary variation occurs so it can be avoided or mitigated, preventing misleading comparisons between similar but not comparable measure results.

The Expert Panel published its recommendations and framework in a final report released in December 2016.[15] The Panel recognized that there are valid reasons for measure variation and that not all instances of variation can be avoided or mitigated. However, instances of variation in measure specifications should be fully and clearly disclosed to users of measure results, particularly where those measure results are used for public reporting, payment, or other accountability programs.

Value Set Harmonization

NQF completed a project that examined how the building blocks of electronic clinical quality measures (eCQMs)—called value sets—might be better harmonized to enhance the validity, reliability, and comparability of measures derived from EHRs.

Interoperable EHRs have the potential to enable the development and reporting of innovative performance measures that address critical performance and measurement gaps across settings of care. However, to achieve this future state, the field needs electronic clinical data standards and reusable "building blocks" of code vocabularies, known as value sets, to ensure measures can be consistently and accurately implemented across disparate EHR systems. A value set consists of unique codes and descriptions which are used to define clinical concepts—e.g., diagnosis of diabetes—and are necessary to calculate eCQMs.

NQF defines value set harmonization as the process by which unnecessary or unjustifiable variance will be reduced, and eventually eliminated, from common value sets in eCQMs by the reconciliation and integration of competing and/or overlapping value sets.[16]

Commenced in January 2015, the project convened an expert Committee to develop a value set harmonization test pilot and approval process that would promote consistency and accuracy in eCQM value sets.

The Committee's specific charge was to establish an overall approach to the harmonization and approval of value sets, including:

- The development of evaluation criteria;
- How to evaluate the results of the harmonization process; and
- Broader recommendations on how harmonized and approved value sets should be integrated into the measure endorsement process.

The Committee recommended five principles to apply both in the development and evaluation of value sets to ensure high quality.

1. A value set should align with the prevalent data model that currently supports the development of quality measures. The prevalent data model used in the eCQMs is the Quality Data Model (QDM),[17] which describes clinical concepts in a standardized format so individuals monitoring clinical performance and outcomes can clearly communicate necessary information. While the QDM has provided a foundation for the development and use of eCQMs, measure developers must understand the scope and the limitation of the relationship between the value sets and the QDM.
2. Value sets should be consistent with the model of clinical information found in the patient record. The model of clinical information found in the patient record depends on the type of EHR system used and how that system is configured. The value sets should be both feasible and usable to identify clinical data within the EHR, regardless of where the measure is used.
3. Terminology updates, expansion, and changes must be integrated into the value sets. A new value set must represent the most recent version of the terminology it is based upon. The Committee suggested that retired codes should still be included in the previous value set as they are critical to identifying historical information within a patient's record.
4. Quality measures being considered for NQF endorsement must have current and active value sets that align with the most recent version of the respective code system.
5. All value sets used in quality measures developed for inclusion in federal programs must be published in the Value Set Authority Center (VSAC)[18] The Committee concurred that it is reasonable to expect that value sets associated with a quality measure be published and have that designation when undergoing review for potential NQF endorsement.

The Committee detailed three recommendations for future action that emerged from their discussions. First, the Committee recommended the development of guidance around versioning of future value sets, with versions being part of a data management process to provide clarity between legacy and current value set iterations. The Committee also recommended the development of a way to recognize expired value sets to reduce potential redundancy and duplication. Finally, the Committee recommended that groups outside of NQF continue to do the development and evaluation of value sets.

More specifically, the Committee concluded that, ideally, value sets would be developed and evaluated independent of measures, against a standard set of criteria. The Committee agreed that there should be a set of requirements that an outside organization would use in determining whether a value set is of high quality, and this work would be completed prior to measure development and testing.[19]

Current State of NQF Measure Portfolio: Responding to Evolving Needs

NQF worked on 18 quality measure endorsement projects in 2016. Across these HHS-funded endorsement projects, NQF endorsed 197 measures and removed 87 measures from its portfolio. NQF's measure portfolio contains high-value measures across a variety of clinical and cross-cutting topic areas. NQF's multistakeholder committees—which include providers, payers, and other experts from across healthcare, as well as patients and consumers—review both previously endorsed and new measures

using rigorous evaluation criteria. The committees make recommendations for NQF to endorse or not endorse measures.

Working with expert multistakeholder committees,[20] NQF undertakes actions to keep its endorsed measure portfolio relevant. This may include removing endorsement for measures that fail to meet rigorous criteria, facilitating measure harmonization among competing or similar measures, or retiring measures that no longer provide significant opportunities for improvement. NQF encourages measure developers to submit measures that can drive more meaningful improvements in care, such as measures of patient-reported outcomes. While NQF pursues strategies to make its measure portfolio appropriately lean and responsive to real-time changes in evidence, it also proactively seeks measures from the field that will help to fill known measure gaps and that align with the NQS goals.

In 2016, NQF transitioned its measure endorsement committees to a standing committee format, so that committee members serve multiyear, staggered terms, as opposed to terms defined by the length of specific projects. This change has enabled committee members to become more familiar with NQF's measure portfolio and allows for greater flexibility for ad hoc measure review. It also improves the ability to address concerns that arise outside of regular project timelines.

Measure Endorsement and Maintenance Accomplishments

In 2016, NQF reviewed 101 new measures for endorsement and considered 140 existing measures for re-endorsement through NQF's periodic maintenance review. NQF added 67 new measures to its portfolio and continued endorsement of 130 measures. Seventy-four endorsed measures, including new and existing measures, are outcome measures, 111 are process measures, five are intermediate clinical outcome measures, three are composite measures, three are structural measures, and one is an efficiency measure.

All measures are evaluated by expert committees against the following NQF criteria:

1. Importance to Measure and Report
2. Reliability and Validity – Scientific Acceptability of Measure Properties
3. Feasibility
4. Usability and Use
5. Comparison to Related or Competing Measures

More information is available in the *Measure Evaluation Criteria and Guidance for Evaluating Measures for Endorsement.*[21]

Appendix A lists the types of measures reviewed in 2016 and the results of the review. Below are summaries of endorsement and maintenance projects completed in 2016, as well as projects that began but were not completed during the year.

Completed Projects

Eye Care and Ear, Nose, and Throat Conditions. More than 3.4 million (3 percent) of Americans 40 years or older are either blind or visually impaired, and millions more are at risk for developing vision

impairment and blindness.[22] At a cost of $139 billion in 2013, eye disorders and vision loss are among the costliest health conditions currently facing the United States.[23] In addition, hearing loss affects 1 in 10 Americans. In 2010, there were an estimated 20 million visits to otolaryngologists in America, and one-fifth of these visits were made by people under age 15.[24] Measures for eye care and ear, nose, and throat conditions (EENT) endorsed in this project were the first such measures NQF reviewed that apply across settings of care as opposed to specific settings (such as surgery or ambulatory care).

NQF's EENT Standing Committee evaluated a total of 24 measures, including seven eCQMs and 17 existing measures. The Committee recommended 21 measures for endorsement, including six eCQMs, and recommended placing one measure in inactive endorsement with reserve status. In addition, the Committee approved one eCQM for trial use. The designation for trial use enables measures that are ready for implementation in real-world settings but that lack reliability and validity data to achieve NQF endorsement to be used in the field for quality improvement. The use facilitates data collection required for NQF endorsement. The Committee recommended removing endorsement for one measure in the portfolio. Thirteen of the measures recommended for endorsement are for eye care, and eight are for ear, nose, and throat conditions.[25]

Neurology. Neurological conditions and injuries affect millions of Americans each year, taking a tremendous toll on patients, families, and caregivers.[26] For example, strokes are the fifth leading cause of death in the United States and cost billions of dollars in treatment, rehabilitation, and lost wages.[27] Alzheimer's disease, the most common form of dementia, was the fifth leading cause of death for adults ages 65 to 85, with costs expected to rise to nearly $500 billion annually by 2040.[28] Over 5 million Americans have epilepsy, with costs exceeding $15 billion annually.[29]

NQF's Neurology Standing Committee evaluated 26 measures, including 14 new measures and 12 existing measures. The Committee recommended nine measures for endorsement and six measures for inactive endorsement with reserve status. In addition, the Committee recommended approving one eCQM for trial use. The committee did not recommend 10 measures for endorsement, in part because some of these measures overlapped with other measures that were recommended for endorsement. Following this project, NQF's portfolio of neurology measures included 15 measures focused on stroke, dementia, and epilepsy.[30]

Palliative and End-of-Life Care. Improving both access to, and the quality of, palliative and end-of-life care is gaining importance because of the aging U.S. population and the projected increases in the number of Americans with chronic illnesses and disabilities. NQF's Palliative and End-of-Life Care Standing Committee evaluated eight new measures and 16 existing measures, and recommended 23 measures for endorsement. These recommended measures address physical aspects of care, ethical and legal aspects of care, and care of the patient at the end of life.

NQF's portfolio of 36 endorsed measures for palliative and end-of-life care address physical, psychological, and cultural aspects of care. Eighteen of the measures assess patient outcomes, and 13 are used in several federal programs, including the Hospice Quality Reporting Program, the Hospital Outpatient Quality Reporting (OQR) Program, and the Home Health Value-Based Purchasing Model.[31]

Pediatric. The Children's Health Insurance Reauthorization Act of 2009 (CHIPRA) accelerated interest in pediatric quality measurement and presented an unprecedented opportunity to improve the healthcare quality and outcomes of the nation's children, including the nearly 40 million children enrolled in Medicaid and/or the CHIP. CHIPRA also established the Pediatric Quality Measures Program.[32] The program, with support from the Agency for Healthcare Research and Quality (AHRQ) and CMS, funded seven Centers of Excellence to develop and refine child health measures in high-priority areas. After years of concerted effort, NQF reviewed an initial cohort of measures for endorsement in its 2015-2016 Pediatric Performance Measures project. Specifically, NQF's Pediatric Measures Standing Committee evaluated 23 new measures and one existing measure against NQF's evaluation criteria. The Committee recommended 15 measures for endorsement. It also cited concerns about the underdevelopment of quality measures for the care of children and the limited evidence base regarding testing limitations with the pediatric population.

During the Committee's discussion of the measures, several overarching issues of particular relevance to pediatrics emerged. The Committee extensively discussed the evidence requirements for pediatric patient-reported outcome performance measures (PRO-PMs) and patient experience-of-care measures, including the accuracy of the data when a parent reports for a child. The Committee also noted that it might be difficult to link patient experience-of-care measures to actual care provided, although it is important to understand which processes might be modified in order to improve experience of care.

Pediatric measures include measures related to patient safety, health and well-being, and behavioral/mental health. At the conclusion of the pediatric measures project, NQF's portfolio of pediatric measures consisted of 123 measures, including 40 outcome measures three of which rely on patient-reported data.[33]

Perinatal and Reproductive Health. For the 61 million women of reproductive age in the United States, access to high-quality care before, during, and between pregnancies, including pregnancy planning, contraception, and preconception care, can reduce the risk of pregnancy-related complications, including maternal and infant mortality.[34] Disparities in access to quality reproductive and perinatal care and in outcomes among racial and ethnic groups in the United States, as well as sociodemographic disparities, are major topics of interest surrounding this area of measurement.[35] Deaths during pregnancy and childbirth have doubled for all U.S. women in the past 20 years.[36] Research suggests that morbidity and mortality associated with pregnancy and childbirth are largely preventable through adherence to existing evidence-based guidelines.

NQF's Perinatal and Reproductive Health Standing Committee evaluated nine new measures and 15 existing measures. The Committee recommended 18 measures for endorsement.

In its deliberations, the Committee identified several overarching issues. These included multiple, similar neonatal infection measures that individually met endorsement criteria but collectively would be burdensome on providers and clinicians to report. The Committee encouraged measure developers to work together to create a single measure. The Committee also noted the need to identify potential unintended consequences of measures so that changes made to improve quality in response to one

measure would not worsen outcomes in another area. In addition, the Committee discussed advances in quality that highlight the success of previously endorsed measures as well as a need for measures that can drive further improvements in care as well as patient outcomes.

At the conclusion of this project, NQF's portfolio of perinatal and reproductive health measures consisted of 19 measures, including six outcome measures. The measures in the portfolio cover reproductive health, pregnancy, labor and delivery, high-risk pregnancy, premature birth and low birth weight, and postpartum health.[37]

Pulmonary and Critical Care. Chronic lower respiratory disease is the third leading cause of death in adults older than 18, and treatment and management of pulmonary conditions is very costly, with an estimated cost of $106 billion for asthma, COPD, and pneumonia in 2009.[38,39] Critical care is the specialized care of patients whose conditions are life-threatening and who require comprehensive care and constant monitoring. Every day, 55,000 critically ill patients are treated in the United States.[40] These patients usually receive treatments in one of the nation's approximately 6,000 intensive care units (ICUs).[41]

NQF's Pulmonary and Critical Care Standing Committee reviewed 22 measures, including 18 existing measures and four new measures. The Committee recommended 12 measures for endorsement and one measure for inactive endorsement with reserve status.[42] The Committee did not reach consensus on two measures and did not recommend an additional six measures for endorsement. The Committee discussed concerns about the use of endorsed measures in this portfolio, particularly the implementation of measures at a different level of analysis than that for which they are endorsed. For example, measures submitted for endorsement review for use at the population level may then be implemented at the practice level.

At the conclusion of this project, NQF's portfolio of pulmonary and critical care measures consisted of 30 measures, including 17 outcome measures, and spanned the domains of asthma, COPD, pneumonia, imaging, and critical care.[43]

Continuing Projects

All-Cause Admissions and Readmissions. Reducing avoidable hospitalizations and readmissions is a national priority. Despite the healthcare industry's focus in recent years on reducing preventable readmissions, challenges persist, especially for patients who suffer from chronic and comorbid conditions. Nearly one in five Medicare patients are readmitted to the hospital within 30 days of discharge, including many patients returning via the emergency room, costing more than $26 billion annually, by some estimates.[44] Measuring critical factors that affect the quality of patient care can provide valuable information to help providers better address patients' health needs after hospitalization and keep them from unnecessarily returning to the hospital.

In December 2016, NQF endorsed 30 new and existing hospital and post-acute care (PAC) readmissions measures. Two PAC measures were adjusted for socioeconomic status (SES) and other demographic factors, specifically, insurance status and marital status.

The measures are used in various private and federal quality reporting and value-based purchasing programs, including CMS's Hospital Readmissions Reduction Program (HRRP). Most of the measures were included in a groundbreaking NQF trial to determine whether NQF should permanently change its policy and allow measures to be risk adjusted for SES. In most cases, and with all of the measures involving hospital readmissions, updated risk adjustment models did not show significant effects of SES risk adjustment.

NQF will consider future availability of SES data for risk adjustment during annual measure updates. In addition, NQF is soliciting feedback on the implementation of the measures as they are used in federal programs. NQF's SES trial continues through April 2017, at which point NQF will decide whether to make SES adjustment of measures, under specific circumstances, its permanent policy.

NQF began a third phase of the all-cause admissions and readmissions project in October 2016. The project will review measures addressing all-cause admissions and hospital readmissions following hospitalization from heart failure, pneumonia, total hip arthroplasty (THA) and/or total knee arthroplasty (TKA). It will also include measures of emergency department use and acute care hospitalization during home health.

Cancer. Cancer is the second leading cause of death in the United States, taking the lives of more than 1,600 Americans each day.[45] More and more people are also living with cancer: Nearly 14.5 million Americans with a history of cancer were alive in 2014, and it is estimated that the number of cancer survivors in the United States will increase to almost 19 million by 2024.[46] The cost of treating cancer has also increased, from an estimated $157 billion in 2010 to an estimated $174 billion in 2020.[47] Breast, colon, lung, and prostate cancers are among the most frequently diagnosed and most deadly cancers in the United States.[48]

NQF's Cancer Standing Committee is reviewing 21 measures in the areas of breast cancer, colon cancer, chemotherapy, hematology, leukemia, prostate cancer, esophageal cancer, melanoma diagnosis, symptom management, and end-of-life care. NQF will issue a final report in January 2017.

Cardiovascular. Cardiovascular disease is the leading cause of death for men and women in the United States, accounting for approximately $312.6 billion in healthcare costs annually.[49] Coronary heart disease (CHD), the most common type of cardiovascular disease, accounts for one of every six deaths in the United States.[50] Hypertension—a major risk factor for heart disease, stroke, and kidney disease—affects one in three Americans, with an estimated annual cost of $156 billion in medical costs, lost productivity, and premature deaths.[51]

To accommodate the breadth of cardiovascular measures in NQF's measure portfolio, NQF is conducting its review of cardiovascular measures in this project, which began in 2013, in four phases. In phase 3 of this project, which concluded in May 2016, NQF's Cardiovascular Standing Committee evaluated 26 measures, including 13 maintenance measures and 13 new measures. Three measures were eCQM versions of previously endorsed paper-based measures. The Committee recommended 17 measures for endorsement and approved one eCQM for trial use. The Committee did not recommend seven

measures for endorsement and deferred one measure decision to the next phase of the cardiovascular project.

NQF launched the fourth phase of the cardiovascular project in October 2015. The Committee is reviewing six measures, including two newly submitted measures and four existing measures. NQF issued a final report on this fourth phase of the cardiovascular project in February 2017.

Cost and Resource Use. Healthcare spending in the United States is unmatched by any country in the world, without a corresponding increase in better outcomes or overall value.[52] Improving efficiency within the healthcare system holds the potential to both reduce the rate of cost growth and improve the quality of care provided. Key to achieving these goals is first understanding how and where healthcare dollars are spent. NQF is positioned to help answer that question by reviewing performance measures that evaluate healthcare costs and resource use.

NQF has endorsed several cost and resource use measures since beginning endorsement work in this area in 2009. The first phase focused on measures of cost that are not condition-specific, and evaluated both per-capita or per-hospitalization episode approaches. The second phase focused on cardiovascular condition-specific measures, and the third phase focused on pulmonary condition-specific measures.

In this fourth phase of work, which began in November 2016, NQF's Cost and Resource Use Standing Committee is reviewing three cost and resource use measures pertaining to all conditions.

Health and Well-Being. A patient's healthcare results and income can be significantly and negatively affected by social, environmental, and behavioral factors.[53] These and other socioeconomic factors contribute to an estimated 60 percent of deaths in the United States.[54] However, most U.S. healthcare dollars are spent on providing medical services, rather than on addressing the circumstances and impact of health and well-being that greatly affect health outcomes. Effective, targeted performance measures can help determine how successful population health improvement initiatives are and help focus future health improvement efforts.

As an extension of NQF's most recent Population Health Endorsement Maintenance project, the multiphase Health and Well-Being project seeks to identify and endorse measures that can be used to assess health and well-being across all levels of analysis, including healthcare providers and communities.[55] This project evaluates measures that assess health-related behaviors, community-level indicators of health and disease, primary prevention and screening, practices to promote healthy living, community interventions, and modifiable social, economic, and environmental determinants of health with a demonstrable relationship to health and well-being.

Phase 3 of this project began in October 2015. NQF's Health and Well-Being Standing Committee reviewed new and previously endorsed measures of physical activity, cervical and colorectal cancer screenings, and adult and childhood vaccinations. NQF will issue a final report in early 2017.

Patient Safety. Although the healthcare industry has made major improvements in measuring and addressing patient harms, tens of thousands of preventable injuries to patients still occur each year, and

many of these harms have dire consequences. Adverse events can take many forms, including healthcare-associated infections (HAI), medication errors, falls, pressure ulcers, and other potentially avoidable occurrences. On any given day, about 1 out of every 20 hospitalized patients has an HAI, costing up to $33 billion annually.[56] While there have been significant achievements in measurement of patient safety, numerous gaps remain.[57] There is also a recognized need to expand patient safety measures across settings of care.

NQF-endorsed patient safety measures are important tools for tracking and improving patient safety performance in U.S. healthcare. NQF-endorsed patient safety measures are used in many quality improvement, public reporting, and accountability programs across the country. NQF's endorsed safe practices[58] and list of Serious Reportable Events (SREs)[59] have provided important guidance to improving healthcare nationally, across settings of care. However, gaps persist in the measurement and assessment of patient safety.

NQF endorsed 22 patient safety measures in a second cycle of recent patient safety work that ended in February 2016. Those measures assess a range of issues, from patient falls to nursing hours to rates of pressure ulcers and antimicrobial use. NQF endorsed an additional three patient safety measures in 2016 after an ad hoc review of these three measures that resulted in measure updates.

In a third phase of work that is expected to be finished in March of 2017, it is anticipated that NQF's Patient Safety Standing Committee will recommend 12 measures for endorsement and one eCQM for trial use. Three of the measures are intended to help address the inappropriate prescribing and use of opioids in people who do not have cancer.

Person- and Family-Centered Care. Ensuring that patients and their families are engaged partners in care is one of the core priorities of the National Quality Strategy and is a focus of significant efforts in the healthcare sector. Person- and family-centered care encompasses patient and family engagement in care, including shared decision making, preparation and activation for self-care management, and the outcomes of interest to the patient receiving healthcare services. These interests include health-related quality of life, functional status, symptoms and symptom burden, and experience with care.

NQF endorsed 10 measures focused on assessing patients' experience with care in the first phase of this project. In the second phase, NQF endorsed 28 measures focused on clinician- and patient-assessed functional status. NQF reviewed 13 measures, including 12 new measures, in the project's third phase. A final report is expected in early 2017.

Renal. More than 20 million adults (10 percent of the population) in the United States have chronic kidney disease (CKD), which is even more prevalent among adults with high blood pressure and diabetes.[60] Untreated, CKD can result in end-stage renal disease (ESRD) and a host of other health complications.[61] Currently, over a half a million Americans are diagnosed with ESRD. ESRD is the only chronic disease covered by Medicare for people under the age of 65.

NQF's Renal Standing Committee examined three new measures and three previously endorsed measures that address conditions, treatments, interventions, or procedures related to kidney disease, end-stage renal disease, and other conditions. A final report is expected in early 2017.

Surgery. The rate of surgical procedures continues to increase annually. The rate of procedures performed in freestanding ambulatory surgery centers increased by 300 percent in the 10-year period from 1996 to 2006.[62] In 2006, an estimated 53.3 million surgical and nonsurgical procedures were performed in U.S. ambulatory surgery centers, both hospital-based and freestanding.[63] In 2010, 51.4 million inpatient procedures were performed in nonfederal hospitals in the United States.[64] These data, and the potential for unintended consequences they portend, continue to explain the intense interest in measurement of surgical events and improvements.

The surgery measure portfolio is one of NQF's largest and addresses cardiac, vascular, orthopedic, urologic, and gynecologic surgeries. It includes adult, child, and congenital measures, as well as perioperative safety, care coordination, and a range of other clinical or procedural subtopics. Many of the measures in the portfolio are used in public and/or private sector accountability and quality improvement programs. However, while significant strides have been made in some areas, gaps remain in procedure areas as well as for measures that convey overall surgical quality, shared accountability, and patient focus.

NQF's Surgery Standing Committee reviewed 24 measures and recommended 16 for endorsement. NQF anticipates issuing a final report in March 2017.

New Projects in 2016

Behavioral Health. Behavioral healthcare refers to treatments and services for individuals at risk of, or suffering from, mental, behavioral, or addictive disorders such as substance abuse, post-traumatic stress disorder, depression, and anxiety disorders. Behavioral health issues, conditions, and treatments are a leading cause of disability and a source of rising healthcare costs in the United States. Currently, behavioral health issues cost the healthcare system and employers billions of dollars. Better measures of the quality of behavioral healthcare services can help ensure that people receive timely, coordinated, and effective care that ultimately leads to better outcomes and improved overall health.

NQF has endorsed 47 performance measures related to behavioral health, specifically focused on mental health and substance abuse. This project, which began in September 2016, will review five new measures and 12 previously endorsed measures. These measures address alcohol and substance abuse, opioid use, tobacco use, attention-deficit/hyperactivity disorder (ADHD), and depression. NQF will issue a final report in September 2017.

Care Coordination. Care coordination is increasingly recognized as fundamental to improving patient outcomes and is seen as a bedrock of effectively run healthcare systems. Poorly coordinated care can lead to unnecessary suffering for patients, avoidable readmissions and emergency department visits, increased risk of medical errors, and higher costs. Persons with chronic conditions and multiple co-morbidities and their families and caregivers are particularly vulnerable when care is not coordinated or integrated.

NQF completed several projects in this area over the past decade to provide guidance and measurement of care coordination. These projects include defining and providing a framework for how to measure the quality of care coordination, endorsement of 25 preferred practices and 10 performance measures in 2010, and additional measure endorsement projects in 2012 and 2015.

In this most recent project, which began in September 2016, NQF's Care Coordination Standing Committee is reviewing seven measures, including five previously endorsed measures. NQF will issue a final report in September 2017.

Infectious Disease Project. The United States spends more than $120 billion annually to treat infectious diseases, which account for 3.9 million hospital visits per year.[65,66] Effective quality measures support national efforts to advance treatment of infectious disease and improve patient safety and healthcare outcomes.

NQF's Infectious Disease Standing Committee is reviewing 16 previously endorsed measures that address care for HIV/AIDS, sexually transmitted infections, hepatitis, adult and pediatric respiratory infections, and sepsis. NQF will issue a final report in September 2017.

IV. Stakeholder Recommendations on Quality and Efficiency Measures and National Priorities

Section 1890(b)(5)(A)(iv) of the Social Security Act requires the CBE to include in this report a description of annual activities related to multistakeholder group input on gaps in endorsed quality and efficiency measures, which shall include measures that are within priority areas identified by the Secretary under the national strategy … and where quality and efficiency measures are unavailable or inadequate to identify or address such gaps.

Measure Applications Partnership

Under section 1890A of the Act, HHS is required to establish a pre-rulemaking process under which a consensus-based entity (currently NQF) would convene multistakeholder groups to provide input to the Secretary on the selection of quality and efficiency measures for use in certain federal programs. The list of quality and efficiency measures HHS is considering for selection is to be publicly published no later than December 1 of each year. No later than February 1 of each year, the consensus-based entity is to report the input of the multistakeholder groups, which will be considered by HHS in the selection of quality and efficiency measures.[67]

MAP provides a forum for the private and public sectors to reach consensus with respect to use of measures to enhance healthcare value in federal programs. MAP recommendations are also adopted by the private sector. MAP's efforts help to facilitate the alignment or use of the same measures across multiple federal programs. Alignment of measures helps providers better identify key areas in which to improve quality; reduces wasteful data collection for hospitals, physicians, and nurses; and helps to curb the proliferation of redundant measures which could confuse patients and payers.

For detailed information regarding the MAP representatives, criteria for selection to MAP, and rosters, please see Appendix D.

In addition, MAP serves as an interactive vehicle by which the federal government can solicit feedback from stakeholders regarding measures for potential use in federal reporting and payment programs. This approach augments the traditional rulemaking of CMS and HHS, allowing the opportunity for substantive input to HHS in advance of rules being issued. Additionally, MAP provides a unique opportunity for public- and private-sector leaders to develop and then broadly review and comment on a future-focused performance measurement strategy, as well as provides shorter term recommendations for that strategy on an annual basis. MAP strives to offer recommendations that apply to and are coordinated across settings of care; federal, state, and private programs; levels of attribution and measurement analysis; and payer type.

Since 2012, MAP has provided guidance at the request of HHS on the measures to be included in Medicare programs, as well as Medicaid and CHIP nationwide. Measures recommended by MAP for Medicare are considered for use in mandatory or voluntary reporting programs, while the measures in the Adult and Child Core Sets for Medicaid/CHIP are considered for voluntary reporting by individual states. MAP also provided guidance to HHS on the use of performance measures to evaluate and improve care of dual eligible beneficiaries, who are enrolled in both Medicaid and Medicare—a distinct population with complex and often costly medical needs.

2016 Pre-Rulemaking Input

MAP completed its deliberations for the 2015-16 rulemaking cycle with the publication of its annual report in February 2016, marking MAP's fifth review of measures for HHS programs. The MAP Measure Selection Criteria guides the review process for the measures under consideration (see Appendix C). During the pre-rulemaking review process, MAP considers the alignment of measures across HHS programs and with private sector efforts. MAP also incorporates measure use and performance information into its decision making to provide CMS with specific recommendations about the best use of available measures. MAP looks at the entirety of the program and measures included to identify measure gaps.

During this pre-rulemaking process, MAP examined 131 unique measures for potential use in 19 different federal health programs, covering clinician, hospital and post-acute care settings (see Appendix D). NQF incorporated process improvements into MAP this year, including the addition of a one-day in-person meeting for the MAP Coordinating Committee to provide guidance on identifying gaps and the concept of alignment, refinements to the preliminary analysis of measures conducted by NQF staff, and updates to the consensus building and voting process.

Conducted by staff, the preliminary analysis provides MAP members with a succinct profile of each measure to serve as a starting point for MAP discussions. The preliminary analysis asks a series of questions to evaluate the appropriateness for each measure under consideration (MUC):

- Does the MUC meet a critical program objective?
- Is the MUC fully developed?

- Is the MUC tested for the appropriate settings and/or level of analysis for the program? If no, could the measure be adjusted to use in the program's setting or level of analysis?
- Is the MUC currently in use? If yes, does a review of its performance history raise any red flags?
- Does the MUC contribute to the efficient use of measurement resources for data collection and reporting and support alignment across programs?
- Is the MUC NQF-endorsed for the program's setting and level of analysis?

MAP used a three-step process for pre-rulemaking deliberations:

1. Develop program measure set framework;
2. Evaluate measures under consideration for potential inclusion in specific programs and what they would add to the measure sets; and
3. Identify and prioritize measurement gaps for programs and care settings.

More specifically, in October 2015, MAP workgroups convened via webinar to consider each program in the workgroup-specific setting with the goal of identifying its specific measurement needs and critical program objectives. The workgroup recommendations on critical program objectives were then reviewed by the Coordinating Committee.

MAP workgroups met in person in December 2015 to evaluate the measures under consideration for a given setting or level of analysis and made recommendations for use of those measures in various federal programs. The Coordinating Committee reviewed the workgroup recommendations and public comment received on these recommendations in January 2016.

MAP Clinician Workgroup (2015-2016). Over the past four years, MAP has provided multistakeholder, pre-rulemaking input to CMS on clinician-level measures for the Physician Quality Reporting System (PQRS), the Value-Based Payment Modifier (VM) program, and the EHR Incentive Program. This year marked the first time MAP reviewed measures under only two programs: the Merit-Based Incentive Payment System (MIPS) created by the MACRA and the Medicare Shared Savings Program (MSSP).

MIPS is a new program that combines parts of the PQRS, VM, and EHR Incentive Program into one single program that will adjust MIPS eligible clinicians' Medicare payments based on performance.[68]

The MSSP is designed to facilitate coordination and cooperation among providers to improve the quality of care for Medicare Fee-For-Service (FFS) beneficiaries and reduce the rate of growth in healthcare costs.[69] Eligible providers and suppliers may participate in the Shared Savings Program by creating or participating in an Accountable Care Organization (ACO).[70]

Scores on clinician measures reported to the MSSP and the MIPS program are to be publicly reported and available on the Physician Compare website, allowing consumers to use this information in the selection of a clinician. With this in mind, the MAP Clinician Workgroup made it a guiding principle to identify and recommend measures that are meaningful to consumers and purchasers.

As part of the transition from multiple quality programs to the consolidated MIPS program, clinician-level measures on the MUC list during this pre-rulemaking cycle were proposed for potential implementation to collect data in 2017 and for payments to be issued in 2019 under MIPS.

With the addition of the measures for the MIPS program to the MUC list 2015-2016, CMS identified key, related program needs and priorities, including outcome measures, measures relevant to specialty providers, domains of person and caregiver experience and outcomes, communication and care coordination, and appropriate use and resource use. CMS also noted a preference for eCQMs, measures that do not duplicate existing clinician measures, and measures with opportunities for improvement, i.e., those that are not "topped out."

The MAP Clinician Workgroup considered 60 measures for use in the MIPS program—only 12 measures were not recommended for further consideration and two measures were withdrawn by CMS. It is noteworthy that the percentage of outcome measures for clinicians serving Medicare beneficiaries rose from approximately 25 percent of measures available in the old PQRS system to approximately 37 percent of measures recommended for the MIPS program. The workgroup also considered five measures for addition to the MSSP. Discussion centered on several proposed composite measures. Each of these measures was proposed for use in both the MIPS program and the MSSP.[71]

MAP Hospital Workgroup (2015-2016). This MAP Workgroup reviewed measures under consideration for the following hospital or other setting-specific programs:

- Hospital Inpatient Quality Reporting (IQR) Program and Medicare and Medicaid EHR Incentive Program for Hospitals and Critical Access Hospitals (CAH) (Meaningful Use);
- Hospital Value-Based Purchasing (VBP) Program;
- Hospital Acquired Condition Reduction Program (HACRP);
- Hospital Outpatient Quality Reporting (OQR) Program;
- Ambulatory Surgical Center Quality Reporting (ASCQR) Program;
- Prospective Payment System (PPS)-Exempt Cancer Hospital Quality Reporting (PCHQR)
- Inpatient Psychiatric Facility Quality Reporting (IPFQR) Program; and
- End-Stage Renal Disease Quality Incentive Program (ESRD QIP).

Through consideration of measures across these eight programs, the MAP Hospital Workgroup identified several overarching goals, including (1) identifying measures to improve quality across patient-focused episodes of care, (2) engaging patients and their families as partners in care, and (3) driving improvement for all.

The MAP Hospital Workgroup recognized the need to encourage performance measurement to foster better coordination across the care continuum. MAP noted that current measures tend to focus on narrow clinical topics, but performance measurement needs to evolve to use measures that capture the "big picture": A more integrated set of measures could provide consumers and purchasers with a better overall picture of quality.

In particular, the Workgroup noted the need for closer connections and better integration of hospitals with post-acute care (PAC) and long-term care (LTC) settings. The current PAC and LTC measures vary significantly by setting, creating confusion for consumers trying to assess where to seek ongoing care after hospital discharge. The Workgroup noted that healthcare systems need measurement that can spur better care coordination and data sharing to avoid unnecessary hospital readmissions. Better interconnectivity and information sharing could empower providers with more complete information about their patients, including vital information about a person's history, to help reduce errors and adverse treatment interactions.

The MAP Hospital Workgroup underscored the importance of strategic, cross-cutting measures, as having a large number of measures in each program can dilute their individual impact. More integrated measurement that assesses quality across the system could help to ensure high-value information for all stakeholders.

The Workgroup also stressed the importance of shared decision making with patients and their families and the necessity for providers to commit to supporting their patients' decisions. Subsequently, providers should clearly document a person's goals and preferences and make sure follow-up care reflects those decisions and preferences. MAP also acknowledged patient accountability as an important part of decision making—cautioning that people vary in their ability and desire to engage fully in their care.

When reviewing the measures under consideration, MAP focused on consumers and asked: What information would be truly meaningful? What would help a consumer choose a provider? What outcomes do people really care about? Guided by this consumer focus, MAP recommended measures addressing issues such as patient activation, goals, and quality of life.

The MAP Hospital Workgroup noted that there is a need for better measures in perinatal and pediatric care as these patients represent almost 25 percent of hospital discharges. However, Medicare programs such as the Hospital IQR and OQR Programs do not cover key services provided to these populations such as obstetrical services and primary care clinics, which are instead provided by Medicaid. MAP suggested that CMS consider expanding the populations covered by the programs reviewed by the Hospital Workgroup to include the entirety of the population seen in the hospital setting. Including broader populations could help more consumers, purchasers, and payers with related decision making as well as give providers more information to help them improve care.[72]

MAP made the following measurement recommendations for the specific programs below:

- Hospital Inpatient Quality Reporting (IQR) Program and Medicare and Medicaid EHR Incentive Program for Hospitals and Critical Access Hospitals (CAH) (Meaningful Use) – MAP reviewed 15 measures, and recommended the inclusion of nine measures in the programs;
- Hospital Value-Based Purchasing (VBP) Program – MAP reviewed 10 measures and recommended the addition of three measures;

- Hospital Acquired Condition Reduction Program (HACRP) – MAP discussed updates to two measures currently included in the program, acknowledging that the updates were improvements over the versions currently in the program;
- Hospital Outpatient Quality Reporting (OQR) Program – MAP reviewed and recommended the inclusion of two measures;
- Ambulatory Surgical Center Quality Reporting (ASCQR) Program – MAP reviewed one measure but did not recommend that one measure should be included in the program;
- Prospective Payment System (PPS)-Exempt Cancer Hospital Quality Reporting (PCHQR) Program – MAP reviewed and recommended the inclusion of five measures, four of which are updates to current measures in the program;
- Inpatient Psychiatric Facility Quality Reporting (IPFQR) Program – MAP reviewed and supported the addition of two measures; and
- End-Stage Renal Disease Quality Incentive Program (ESRD QIP) – MAP reviewed seven measures but recommended the inclusion of only three in the program.

MAP PAC/LTC Workgroup (2015-2016). The MAP PAC/LTC Workgroup reviewed MUCs for six setting-specific federal programs addressing post-acute care (PAC) and long-term care (LTC);

- Impatient Rehabilitation Facility Quality Reporting Program (IRF QRP);
- Long-Term Care Hospital Quality Reporting Program (LTCH QRP);
- Skilled Nursing Facility Quality Reporting Program (SNF QRP);
- Skilled Nursing Facility Value-Based Purchasing Program (SNF VBP);
- Home Health Quality Reporting Program (HH QRP); and
- Hospice Quality Reporting Program (Hospice QRP).

In the PAC/LTC coordination strategy, the MAP PAC/LTC Workgroup defined high-leverage areas for performance measurement and identified core measure concepts to address each of the high-leverage areas. These core-measure concepts are identified in order to address the areas that will ultimately lead to the greatest quality improvement and development in a setting that is relatively new to quality measurement.

In this year's pre-rulemaking work, MAP revisited these PAC/LTC core concepts to ensure that they remain effective and meaningful in the rapidly changing area of PAC and LTC measurement. The MAP PAC/LTC Workgroup added quality of life as a highest-leverage area and identified symptom management, social determinants of health, autonomy and control, and access to lower levels of care as other high-leverage areas. The Workgroup stressed the need to move beyond concepts addressing processes to concepts that address outcomes.

Measures reviewed by the MAP PAC/LTC Workgroup during this cycle addressed the following enumerated domains in the Improving Medicare Post-Acute Care Transformation (IMPACT) Act of 2014: medication reconciliation; resource use measures, including total estimated Medicare spending per beneficiary; discharge to community; and all-condition, risk-adjusted, potentially preventable hospital readmissions rates.

Overall, MAP determined that the measures under consideration represented significant progress toward promoting quality in PAC settings, but there was some caution in considering the costs-per-beneficiary measures as indicators of quality. MAP recommended ensuring cost measures be tied to quality concepts to promote measuring "value" versus "cost" alone.

MAP PAC/LTC Workgroup reviewed a total of 33 measures under consideration and encouraged development 32 measures for use in federal programs. Only one measure was not encouraged for further consideration. MAP noted that the MUCs are moving in the right direction to close gaps and address the PAC/LTC core concepts; they encouraged the further development of all but one of the measures under consideration for inclusion in these programs.[73]

- Impatient Rehabilitation Facility Quality Reporting Program (IRF QRP) – MAP recommended continued development of all five measures;
- Long-Term Care Hospital Quality Reporting Program (LTCH QRP) – MAP recommended the continued development of all seven measures;
- Skilled Nursing Facility Quality Reporting Program (SNF QRP) – MAP recommended the continued development of all 11 measures;
- Skilled Nursing Facility Value-Based Purchasing Program (SNF VBP) – MAP recommended the continued development of the one measure considered;
- Home Health Quality Reporting Program (HH QRP) – MAP recommended the continued development of six of the seven measures; one measure it did not recommend for continued development; and
- Hospice Quality Reporting Program (Hospice QRP) – MAP recommended the continued development of the two measures submitted for consideration.

2016 Input on Quality Measures for Dual Eligibles

In support of the NQS aims to provide better, more patient-centered care as well as improve the health of the U.S. population through behavioral and social interventions, HHS asked NQF to again convene a multistakeholder group via MAP to address measurement issues related to people enrolled in both the Medicare and Medicaid programs—a population often referred to as the "dual eligibles" or Medicare-Medicaid enrollees.

Nearly 11 million Americans are eligible for both Medicare and Medicaid.[74] These are among the nation's most vulnerable individuals, with more than two-thirds living below the federal poverty level and most having multiple chronic conditions that require high levels of care.[75,76] About a third of Medicare spending, or $500 billion, is spent each year on the 20 percent of beneficiaries that are dually eligible to participate in Medicaid.[77] Similarly, 34 percent of Medicaid spending, or $340 billion, is spent annually on 14 percent of Medicaid beneficiaries who are dually eligible to participate in Medicare.[78]

In August 2016, MAP released its seventh report addressing this population.[79] The report builds upon MAP's previous work to improve care for the dual eligible population and updates the Dual Eligible Beneficiaries Family of Measures.

The Family of Measures is a group of best available measures that is selected and recommended for use to address the needs of the dual eligible population and to identify high-leverage opportunities for improvement across the continuum of care. With this year's updates, the current Dual Eligibles Family now contains 74 measures that are a mixture of measure types (i.e., structure, process, outcomes) that cross settings and levels of analysis (e.g., individual provider versus population level). This year, MAP supported the removal of six measures and the addition of four measures to the Family of Measures.

Current approaches to quality measurement tend to focus on single clinical topic areas that are important; however, such approaches do not reflect the multiple complex and interrelated clinical and nonclinical needs of the dual eligible beneficiary population. Developing measures that address the complexities within the dual eligible beneficiary population is resource intensive. Future improvements in healthcare and management of dual eligible beneficiaries will require development of measures for patients managing multiple conditions as well as address the connection of these patients to all the necessary supports and services both in the clinical and nonclinical environments. Resources must be devoted to better promoting and measuring the integration and coordination of providers and services in their effectiveness in improving the health and well-being of dual eligible beneficiaries.

2016 Report on the Core Set of Health Care Quality Measures for Adults Enrolled in Medicaid

Medicaid covers more than 80 million Americans and enables access to care for the nation's most vulnerable individuals, including low-income pregnant women and children, people with disabilities, and low income elderly.[80] In federal fiscal year (FFY) 2014, Medicaid covered a total of 44.3 million adults, including 27.1 million nonelderly adults, 6.3 million adults age 65 and over, and 10.9 million individuals who are blind/disabled.[81] Among the working-age adults enrolled in Medicaid, an estimated 57 percent are overweight, or have diabetes, hypertension, high cholesterol, or a combination of these chronic conditions.[82,83,84] In August 2016, MAP concluded its fourth review of the Adult Core Measure Set for Medicaid beneficiaries with the publication of *Strengthening the Core Set of Healthcare Quality Measures for Adults Enrolled in Medicaid, 2016*.[85]

The annual process of re-evaluating existing and newly proposed measures for the core set allows for a better understanding of the evolving Medicaid landscape, the measures in use, and how states engage with the program. MAP supported the continued use of all 28 measures contained in the 2016 Adult Core Set to advance the health and healthcare of adult Medicaid beneficiaries.

In addition, MAP supports or conditionally supports (pending NQF endorsement) the addition of six new measures to the core set. These six measures were considered a good fit for the core set and were selected out of a total of 14 measures discussed by the Adult Medicaid Task Force convened by NQF. These six new measures address the clinical areas of alcohol abuse prevention and screening, mental illness, drug and substance abuse, elective delivery, and medication management for asthmatic patients.

Reporting of at least some of the Adult Core Set measures increased to 34 states in FFY 2014 up from 30 states in FFY 2013.[86] The gradual addition of measures to the core set has allowed the states to build measure reporting infrastructure, as evidenced by the increase in the number of states voluntarily reporting on measures.

2016 Report on the Core Set of Healthcare Quality Measures for Children Enrolled in Medicaid/CHIP

Medicaid plays a key role in child and maternal health, financing healthcare services for approximately 48 percent of all births across the country.[87] Improving the health and healthcare of children enrolled in Medicaid and CHIP is an important opportunity and a priority for our nation.

The Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) requires the identification of a core set of healthcare quality measures for voluntary reporting by state Medicaid and CHIP programs. The 2016 Child Core Set contains 26 measures representing the diverse health needs of the Medicaid and CHIP enrollee population, spanning many clinical topic areas, such as oral health, behavioral health, and maternal and perinatal care. The measures are relevant to children from birth to age 18, as well as pregnant women.

In the report *Strengthening the Core Set of Healthcare Quality Measures for Children Enrolled in Medicaid and CHIP, 2016,*[88] released in August 2016, MAP supported the continued use of all but two of the current measures in the Child Core Set. The first measure recommended for removal—frequency of ongoing prenatal care—was cited as an ineffective tool for both accountability and quality improvement, as it most likely reflects environmental challenges women face when trying to obtain prenatal care, such as time off work and transportation. MAP also recommended the removal of a measure assessing child and adolescent access to primary care practitioners, because performance on the measure, which is not NQF-endorsed, was very high overall and presents a limited opportunity for improvement.

MAP also supported the addition of five new measures to the Child Core Set. These five measures were considered to be a good fit for the core set and were selected out of the 13 measures considered for inclusion by NQF's Child Medicaid Task Force. The use of these measures would strengthen the core set by promoting measurement of various high-priority quality issues, including maternity care, behavioral health, and sickle cell disease.

Similar to what has been observed with the Adult Core Set, voluntary reporting of at least some measures for the Medicaid and CHIP Child Core Sets has also increased, from 38 states in FFY 2012 to 41 states in FFY 2013 to 44 states in FFY 2014.

V. Gaps on Endorsed Quality and Efficiency Measures Across HHS Programs

Under section 1890(b)(5)(A)(iv) of the Act, the entity is required to describe in the annual report gaps in endorsed quality and efficiency measures, including measures within priority areas identified by HHS under the agency's National Quality Strategy, and where quality and efficiency measures are unavailable or inadequate to identify or address such gaps.

Gaps Identified in Completed Projects 2016

During their deliberations, NQF's endorsement standing committees discussed and identified gaps that exist in current project measure portfolios. Below are the gaps identified by these committees and included in related reports issued in 2016.

Eye Care and Ear, Nose, and Throat Conditions. The Committee identified numerous areas for which additional measure development is needed. Specifically, the gap areas noted include PRO-PMs after procedures and treatments to assess improvements in symptoms and functioning from the patient's perspective, composite measures related to specialist care, and appropriateness measures for procedures such as tonsillectomy, stapedotomy, tympanostomy tubes, sinus surgery, and sinus imaging. The Committee also noted cost and resource use measures for both eye care and ENT conditions, inappropriate use of medications for eye care such as medicated drops for glaucoma, appropriate use of antibiotics and antibiotic stewardship, and appropriate fitting of hearing aids as additional gap areas in this portfolio.[89]

Neurology. During its discussions, the Neurology Committee identified several areas for which additional measure development is needed. These areas include measures targeting neurological conditions, namely Parkinson's disease, multiple sclerosis, muscular dystrophy, Alzheimer's disease, and other dementias. Additionally, the Committee stressed the need for measures related to best practices for early diagnosis and treatment of neurological diseases, as well as measures that provide disparities data on disease and treatment. The portfolio also has need for more PRO measures as well as measures that continue to monitor for unintended consequences for specific populations.[90]

Palliative and End-of-Life Care. NQF's current portfolio of palliative and end-of-life care measures addresses many elements of the palliative and end-of-life framework; however, notable exceptions include a lack of measures addressing social aspects of care, bereavement, and measures applicable to the family or caregiver.

The Palliative and End-of-Life Care Committee specifically identified areas for which additional measure development is needed, including measures that differentiate specialty palliative care from primary (sometimes called "basic") palliative care, measures of palliative care for the pediatric and neonatal populations, and measures specific to diseases other than cancer such as COPD, end-stage heart disease, and dementia. The Committee also noted the need for measures that go beyond an assessment of social, cultural, and spiritual needs to capture treatment or follow-up activities related to these aspects of care and measures that assess how the environment in which the patient received care is conducive to their social, cultural, and spiritual needs. Gap areas also included measures related to advance care planning, measures that consider hospice stays of less than 30 days, and measures of treatment burden, financial burden, and treatment-related harm.[91]

Pediatric. Many priorities for quality measurement and improvement for pediatric care do not yet have metrics available to address them. More robust data are needed in order to develop measures and address pediatric gap areas. The Committee deliberated on the gaps identified by MAP in the 2015 review of the CHIP Child Core Set and concurred that these gaps were an accurate representation of the gaps in the NQF pediatric measure portfolio.

Specifically, these gaps areas identified by the Committee include care coordination, primarily in home and community-based care; social services coordination; cross-sector measures that would foster joint accountability with the education and criminal justice systems; screening for abuse and neglect; mental

health; overuse/medically unnecessary care/durable medical equipment; cost measures targeting children with chronic needs and families' out-of-pocket spending; sickle-cell disease; patient-reported outcome measures; and dental care access for children with disabilities (or stratification of current measures).[92]

Perinatal and Reproductive Health. The Committee identified the need for measures to assess normal, healthy pregnancies and babies, in part to assess and improve the quality of care that most patients and families are receiving, and in part to ensure that the majority of the population is not excluded from quality improvement and measurement. Many of the measures in this portfolio are focused on high-risk mothers and babies, yet the vast majority of pregnancies, deliveries, and newborns do not fall into this category.[93]

Pulmonary and Critical Care. The specialty areas for pulmonary and critical care include many prevalent and costly chronic conditions. During their deliberations, the Standing Committee identified where additional measure development is needed. These gaps in measurement include the following areas: acute pulmonary embolism management and outcomes; cystic fibrosis management and outcomes; acute respiratory distress syndrome and management, mechanical ventilation management and mobility in the ICU; sepsis management; and outcome measures such as sepsis mortality, discharge to long-term acute care hospitals with mechanical ventilations, and more accessible ICU mortality and length-of-stay measures appropriately adjusted for acuity.[94]

Measure Applications Partnership: Identifying and Filling Measure Gaps

In addition to its role in recommending measures to CMS in the pre-rulemaking process, MAP also provides guidance on measure gaps in the individual federal programs and measure portfolios. The individual MAP workgroups consult the Program Specific Measure Priorities and Needs document published by CMS prior to the commencement of workgroup deliberations.[95] In this document, CMS identifies high-priority domains in each of the federal programs for future measure consideration.

MAP Clinician Work Group (2015-2016)

The MAP Clinician Workgroup highlighted measure gaps across clinician-level programs and in particular noted the need for patient-centered measures, including patient-reported outcome measures, functional status measures, care coordination measures, and measures that incorporate patient values and preferences.

MAP noted that the principle of patient preference should apply not only to new measures, but also to existing measures, which could potentially be modified to include outcomes or processes that reflect patient preferences and shared decision making. Measures concerning end-of-life care would lend themselves especially well to such considerations. With regard to patient-reported measures, MAP noted that such measures should go beyond patients' experiences with the healthcare system and focus on the impact of healthcare on patients' health and well-being—it noted that measures sometimes focus on clinical success as defined by providers, while potentially losing sight of what patients regard as a success, e.g., mobility after knee surgery.

MAP expressed appreciation for the increase in measures of appropriate use or overuse that have been submitted for consideration, while recognizing that these measures remain a gap area and a priority for development. Many suggested looking to the American Board of Internal Medicine Foundation's *Choosing Wisely* campaign for direction in this area. MAP members also noted that measures of overuse should be paired with measures of quality and total cost-of-care measures so that consumers and purchasers can better understand the value of what they are getting for their money.

The importance of developing team-based care was also a recurring theme in MAP deliberations. MAP members suggested that the healthcare system needs to do better at identifying patients who are in need of care, defining what good care looks like for them, and leveraging both team-based approaches and the overall resources of the health system to provide that care.[96]

MAP Hospital Workgroup (2015-2016)

In consideration of its identification of gaps, MAP noted that the measurement gaps identified by CMS in the *Program Specific Measure Priorities and Needs* published in May 2015 as high-priority areas for future hospital measure development do not address all the high-priority domains identified by MAP.[97] Gap areas identified by MAP include obstetrics, pediatrics, and measures addressing the cost of drugs, particularly specialty drugs.

MAP also discussed the need for an all-harm or global-harm eCQM that would provide the public with more useful information about overall hospital care. This type of measure would provide hospitals with more readily accessible data on their performance as compared to waiting for data from claims-based measures.

Additionally, for the Hospital Acquired Condition Reduction Program, MAP agreed with the measure gaps identified by CMS and emphasized a few additional gap areas. These include measures of what hospitals are doing to prevent adverse drug events, pressure ulcers, falls with harm, and acute renal failure in the hospital. A few members of MAP stressed the importance of a general surgical site infection measure instead of procedure-specific measures.

MAP agreed with the CMS-identified measure gaps in the set of measures applicable to the Hospital Outpatient Quality Reporting (OQR) Program, placing particular emphasis on patient and family engagement and communication and care coordination among multiple providers. MAP also cited the importance of measures of high-volume outpatient services, including screening and primary care visits. MAP noted the importance of recognizing patients and families as care partners to drive shared decision making and support for patients as they navigate multiple providers. MAP encouraged new measure development to assess the success of coordinated care partnerships including the family, patient, and clinician. It cited the Patient Activation Measure (PAM), developed at the University of Oregon, as a good example of care partnerships assessment. NQF endorsed the PAM in December 2015 after consideration by the Person- and Family-Centered Care Committee during its off-cycle review process.

MAP concurred with the priority measure gap areas identified by CMS related to the Ambulatory Surgical Care Quality Reporting (ASCQR) Program. The Workgroup stressed its support for adding

measures of surgical quality, including both site infections and complications, and measures of patient and family engagement.

One additional gap area that MAP suggested for the Prospective Payment System (PPS)-Exempt Cancer Hospital Quality Reporting Program was a quality-of-life measure for patients with cancer, which could help improve the care provided. The measures reviewed this cycle would help to fill the care coordination and quality-of-life measurement gap, but still more measures in this area are needed to fill this gap completely. MAP also recognized that many cancer patients are treated in general hospitals, and not in cancer-specialty hospitals. For this reason, MAP encouraged better symmetry between this program and the IQR Program to help improve the overall quality of care for cancer patients regardless of setting.

MAP found gaps in the current set of measures used in the Inpatient Psychiatric Facility Quality Reporting Program. MAP stressed the need for better measures addressing substance abuse, in particular, abuse of alcohol, tobacco, and opioids. MAP also recognized the need for measures assessing connections to care in the community, especially measures that assess if a patient is connected to a primary care provider.

For the End-Stage Renal Disease Quality Improvement Program (ESRD QIP), MAP identified several gap areas including fluid management, infection, vascular access, patient-centered care, and medical therapy management. MAP also discussed reviewing the list of quality measures used in the ESRD Seamless Care Organizations (ESCO)[98] to determine if measures from that program should be considered for ESRD QIP. The ESCO measures focus on patient safety, person- and caregiver-centered experience and outcomes, communication and care coordination, clinical quality care, and population health.[99]

MAP PAC/LTC Workgroup (2015-2016)

During this cycle of pre-rulemaking, MAP stressed the importance of hospitals and PAC/LTC settings working together to reduce avoidable admissions and readmissions. Specifically, MAP recognized that measures related to discharge to community require further development to ensure that each individual measure is defined appropriately in the correct context of setting of care and that it achieves the intended result.

MAP reiterated the importance of successful care transitions and noted the need for engagement by all providers in the care planning process. MAP noted that partnerships between hospitals and PAC/LTC providers are critical to successful patient transitions between settings of care, and that measures that accurately assess the quality and seamlessness of these transitions still need further development.

MAP provided input on measures under development that are intended to close gaps in identified high-priority domains. MAP identified quality of life as a highest-priority domain and identified symptom management, social determinants of health, autonomy and control, and access to non-acute levels of care, as well as those domains submitted to meet the IMPACT Act requirements, as additional important domain areas. Specifically, for the Skilled Nursing Facility Quality Reporting Program (SNF QRP), the measures considered included functional status measures aimed at assessing improvement in mobility

and self-care during the SNF stay, functional status measures that assess discharge scored for mobility and self-care, antipsychotic medication use, pain assessment, and influenza administration.

CMS previously identified three high-priority domains for future measure consideration for the Hospice Quality Reporting Program—namely, the need for outcome measures for hospices across domains of care, patient and family engagement addressing the needs of individuals and their families to assess the level of quality provided, and making care safer through timeliness and responsiveness of care. In order to address these measurement gaps, measures under development included a measure focused on hospice visits when death is imminent. MAP stressed that an important aspect in assessing quality in hospice care is determining if visits and care provided are meaningful to both the patient and the caregiver.[100]

MAP Workgroup on Dual Eligible Beneficiaries

The Dual Eligible Beneficiaries Workgroup identified the following high-priority measurement gap areas for dual eligible beneficiaries:

- Goal-directed, person-centered care planning and implementation;
- Shared decision making;
- Systems to coordinate acute care, long-term services and supports, and nonmedical community resources;
- Beneficiary sense of control/autonomy/self-determination;
- Psychosocial needs;
- Community integration/inclusion and participation; and
- Optimal functioning assessment.

The Workgroup emphasized the importance of the high-priority measure gaps for dual eligible beneficiaries. While progress in measure development continues in some areas, the Workgroup encouraged further innovation to close gap areas. Specifically, the Workgroup urged stakeholders and experts across disciplines to collaborate, share, and build upon innovative efforts of states, regions, and other countries that have measures in use that may apply to the populations covered by the dual eligible program.

In addition to these areas, Workgroup members emphasized gaps in measures for home and community-based services as well as measures of affordable and cost-effective care.[101]

MAP Medicaid Adult Core Set Task Force

The Task Force identified gap areas from a variety of sources, including stakeholder feedback, review of state reporting practices, and data on prevalent conditions affecting the adult Medicaid population. Although the Adult Core Set includes some measures pertaining to these topics, the Task Force regards this measure set as the groundwork on which future measures will be built to strengthen the quality of care for adult Medicaid recipients.

Several of the gaps identified during this review were also identified during MAP's 2015 deliberations. This list of measure gaps below will be a starting point for future discussions and will guide MAP's input on strengthening the Adult Medicaid Core Set:

- Access to primary, specialty, and behavioral healthcare;
- Behavioral health and integration with primary care;
- Beneficiary-reported outcomes surrounding health-related quality of life;
- Care coordination, primarily integration of medical and psychosocial services and primary care with behavioral care;
- Cultural competency of providers;
- Efficiency, especially in relation to inappropriate emergency department use;
- Long-term supports and social services;
- Maternal and reproductive health, particularly interconception care to address risk factors, poor birth outcomes, postpartum complications, and support with breastfeeding after hospitalizations;
- Promotion of wellness;
- Treatment outcomes for behavioral conditions and substance use disorders, namely, psychiatric re-hospitalization, follow-up, and clinical improvement;
- Workforce;
- New chronic opioid use (45 days);
- Polypharmacy;
- Engagement and activation in healthcare; and
- Trauma-informed care.

Public commenters supported MAP's assessment of high-priority gap areas for the Medicaid adult population. Notably, one commenter suggested consideration of outcome measures that could be used in value-based purchasing programs, urging MAP to consider measures that assess prevention efforts and social determinants of health.[102]

MAP Medicaid/CHIP Child Core Set Task Force

Many important priorities for pediatric quality measurement and improvement do not yet have fully developed metrics available to address them. The Task Force discussed the gaps in current measures to communicate its vision for the future of measurement to the developer community. Additionally, the list of measure gaps will be a starting point for future discussions and will guide annual revisions to further strengthen the Child Core Set.

The Core Set includes measures related to some of the gap topics below, but the Task Force recognized that this list is not exhaustive and that measure developers should continue efforts to expand and update the set. MAP first identified gap areas during its 2014 review and further addressed the gap areas during this 2016 review. Newly identified gap areas are marked with an asterisk (*). The gaps enumerated by MAP are as follows:

- Care Coordination – home and community-based services, social services coordination, cross-sector measures that would foster joint accountability with the education and criminal justice systems, care integration to assess efficacy and outcomes for integrated behavioral health in primary care medical homes as well as collaborative care between primary and subspecialty providers for patients with chronic conditions*, adolescent preparation for transition to adult-focused healthcare*, care coordination for conditions requiring community linkages*;
- Screening for abuse and neglect;
- Injuries and trauma*;
- Mental health – access to outpatient and ambulatory mental health services, emergency department use for behavioral health, behavioral health functional outcomes that stem from trauma-informed care;
- Exposure to adverse childhood experiences (ACEs)*;
- Overuse/medically unnecessary care;
- Durable medical equipment;
- Cost measures targeting people with chronic conditions and families' out-of-pocket spending;
- Dental care access for children with disabilities (which could involve stratifying a current measure); and
- Duration of children's health coverage over a 12-month period.

Public comments supported the Task Force's assessment of high-priority measure gaps for the Medicaid and CHIP enrollees. Commenters also suggested several measure gap additions, including access to inpatient psychiatric care, access to specialty mental healthcare, measures assessing care within school systems, value-based performance measures, and care coordination measures.[103]

II. Gaps in Evidence and Targeted Research Needs

Under section 1890(b)(5)(A)(v) of the Act, the entity is required to describe areas in which evidence is insufficient to support endorsement of quality and efficiency measures in priority areas identified by the Secretary under the National Quality Strategy and where targeted research may address such gaps.

Under the direction of HHS, NQF conducted work to advance the science of quality measurement to address these areas in need of further development in order to advance the priorities set forth in the National Quality Strategy. The six NQS priorities are to make care safer by reducing harm caused in the delivery of care, to ensure that each person and family are engaged as partners in their care, to promote effective communication and coordination of care, to promote the most effective prevention and treatment practices for leading causes of mortality, to work with communities to promote wide use of best practices to enable healthy living, and to make quality care more affordable for individuals, families, employers, and governments.

Even as quality measurement advances, gaps in evidence and research persist in the areas of electronic health records (EHRs) and other health information technology (IT) systems, health IT patient safety, telehealth, and the comparability of eCQMs.

EHRs and other health IT systems hold out great promise to make healthcare higher quality, safer, more affordable, and better coordinated. Yet barriers to achieving this goal exist, including lack of health IT interoperability, questions about the efficacy of health IT-enabled healthcare such as telehealth, safety issues related to health IT, and comparability issues with eCQMs, among other challenges. NQF's health IT initiatives address these and other issues to advance healthcare empowered by health IT that improves health and healthcare for the nation.

Prioritization and Identification of Health IT Patient Safety Measures

Health IT has the potential to advance patient safety in various ways, including improvements in medication reconciliation, medication adherence, care coordination and risk identification. Health IT can also be used to help facilitate evidence-based best practices through well-designed clinical decision support, and can enable safer and more patient-centered care by providing clinicians with access to important data so that each decision is made with full knowledge of prior care and patient preferences.

However, detecting and preventing Health IT-related safety events poses many challenges because these are often multifaceted events, which involve not only potentially unsafe technological features of electronic health records, for example, but also user behaviors, organizational characteristics, and rules and regulations that guide most technology-focused activities. Through the Health IT and Patient Safety project, NQF addressed the rapidly evolving area of Health IT and its intersection with quality and outcomes, with the goal of developing a set of recommendations around the measurement of Health IT-related safety issues.

The multistakeholder Health IT Safety Committee, convened in 2015, advanced a conceptual framework for analyzing measures of safety in Health IT and related priority measurement areas in its final[104] report, *Identification and Prioritization of Patient Safety Measures,* published in February 2016.

The Committee adopted a three-domain framework for conceptualizing the potential measurement concepts and gaps in the area of health IT safety to guide future measurement development. The following framework raises the three domains needed to identify and prioritize these measures:

1. Addresses safe health IT, meaning that health IT is designed and implemented in a manner that enhances patient safety and actively addresses known and potential safety issues that are inherent to health IT software or hardware. Subdomains include data availability, data integration, and data security.
2. Focus on the safe use of health IT, which includes issues related to the implementation, configuration, use, and governance of health IT systems. The domain comprises the subdomains of health IT usability, organizational planning, preparation, and governance for health IT, complete and correct use of health IT, and surveillance and monitoring of health IT safety concerns.
3. Focus on the ways in which health IT can be used to improve the safety of patient care and to facilitate meaningful and effective patient engagement.

In addition to the framework, the Committee identified nine key measurement areas for health IT safety, each of which includes several measure concepts that could potentially reflect performance in

that area; possible data sources or data collection strategies; and the entities that could potentially be held accountable for performance in each area. Key measurement areas are:

1. Clinical decision support;
2. System interoperability;
3. Patient identification;
4. User-centered design and use of testing, evaluation, and simulation to promote safety across the health IT lifecycle;
5. System downtime (data availability);
6. Feedback and information sharing;
7. Use of health IT to facilitate timely and high-quality documentation;
8. Patient engagement; and
9. Health IT-focused risk-management infrastructure.

During the course of its deliberations, the Committee discussed overarching issues that affect health IT patient safety. First, the Committee noted that health IT quality and safety should be a shared responsibility of clinicians, healthcare organizations, vendors, and in some instances, patients, requiring attention and solutions across the full health IT lifecycle. The Committee also recognized that increased data entry burden for clinicians and other staff needs to be considered as one of the most important, unintended consequences of health IT; the constantly evolving technology may pose both a challenge and an opportunity for health IT measure development. Finally, the Committee recognized that health IT safety can be promoted through a variety of mechanisms, including performance measurement and reporting as well as through regulations and accreditation programs.

Common Formats for Patient Safety

In 2008, the Agency for Healthcare Research and Quality (AHRQ) first released Common Formats to support structured reporting of safety events in hospitals. These reporting techniques standardize the collection of patient safety event information using common language, definitions, and reporting formats. Use of common data fields for event reporting ensures that information shared with Patient Safety Organizations (PSOs) is consistent across healthcare providers and can be aggregated to provide population-level insights into trends in adverse events.

The public has an opportunity to comment on all elements of the Common Formats modules using commenting tools developed and maintained by NQF. An NQF Expert Panel reviews the public comments and provides AHRQ recommendations with the goal of evolving the Common Formats modules.

The NQF Expert Panel is currently reviewing comments received on Hospital Common Formats Version 2.0. Discussion of final recommendations will continue through the end of 2016 with final recommendations expected in early 2017.

Interoperability

Interoperability is the capacity of systems and devices to exchange and share data in a timely and seamless manner. Ready exchange of data between different systems facilitates care integration and

coordination and helps individuals and organizations make informed decisions about healthcare to improve patient outcomes. The lack of interoperable medical records has increasingly presented significant challenges for healthcare. Currently, there is no common measurement framework to help assess progress in achieving interoperability. NQF is undertaking foundational work to help the quality community assess progress toward efficient and secure communication between providers' computer-based systems and applications.

The project, commenced in October 2016, will develop a common framework and measure concepts that measure the extent of seamless exchange of data between different health IT systems. Through this project, NQF conducts a multistakeholder review of current issues and barriers around interoperability, and identifies a set of proposed measures and measure concepts to assess interoperability across settings of care. In 2016, this project convened an Expert Panel and conducted its orientation webinar. A final report is expected in September 2017.

Telehealth

Over the past 15 years, telehealth has grown significantly across a variety of healthcare settings. More than half of all U.S. hospitals have a telehealth program, with over 800,000 online consultations occurring in 2015 alone.

Telehealth is the use of electronic communications, information technology, or other means between a provider in one location and a patient in another location. It typically involves the application of technology to provide or support healthcare delivery by replicating the interaction of a traditional, in-person encounter between a provider and a patient. As a result, it is expected to produce the same clinical outcomes, independent of the method of care. While there are many clinical measures to evaluate the effectiveness of healthcare interventions, less is known about the extent to which these measures can be used to assess the effectiveness and overall quality of telehealth interventions. Particularly in rural areas, long distances between patients and providers can hinder access to care and can impose burdensome costs upon patients and their families to seek medical care.

Commenced in September 2016, this project aims to examine how best to apply clinical measures to telehealth healthcare encounters and develop a framework for measuring the quality. NQF also will develop a framework for measuring nonclinical aspects of telehealth, such as access to care and cost effectiveness. A final report from the Committee is expected in September 2017. Work accomplished to date includes orienting the Committee, progress on producing an environmental scan, and beginning steps to identify key measurement framework attributes.

Disparities

Disparities occur when individuals experience differing levels of healthcare and health outcomes based on social risk factors. Studies have linked disparities in healthcare to inadequate resources, poor patient-provider communication, and a lack of culturally competent care. The healthcare system must address these factors in order to mitigate health and healthcare disparities and promote equal treatment for all patients.

The AHRQ 2015 National Healthcare Quality and Disparities Report showed that people in low-income households received more substandard care than people in high-income households for about 60 percent of reported quality measures included in the AHRQ report.[105] In addition, African Americans, Hispanics, Native Americans, and Alaska Natives received more substandard care than whites for about 40 percent of reported quality measures.[106] Yet overall, the AHRQ report shows that performance measures assessing quality are improving for all populations.

NQF is currently conducting a self-funded trial period to evaluate the impact that adjustment for socioeconomic status (SES) has on outcomes. Previous NQF policy prohibited the consideration of SES and other demographic factors in risk-adjusting performance measures out of concern that doing so might conceal disparities in care—resulting in lower standards of provider performance. The NQF Board of Directors decided to temporarily change NQF's policy in 2015 and evaluate its impact during the course of a two-year trial period. Findings of the trial will be given to the Board in 2017 upon its conclusion, at which time a permanent decision on the NQF policy surrounding SES and other demographic risk adjustment is expected.

To build on prior NQF efforts focused on disparities, this project funded by CMS undertakes new work to explore disparities in cardiovascular disease, cancer, diabetes, chronic kidney disease, mental illness, infant mortality, and low birth weight. These five conditions are highly prevalent causes of morbidity and mortality in the United States, as well as some of the costliest conditions to treat.

The Committee convened for this project will explore the social risk factors (e.g., socioeconomic position, disability, and social relationships) that contribute to these disparities. Committee members will conduct an environmental scan to identify performance measures to assess the effectiveness of interventions to reduce disparities.

Specifically, this project will involve:

- A review of the evidence describing disparities in health and healthcare outcomes in the target conditions;
- A review of the causes and factors associated with disparities in the target conditions, evidence of effective interventions, and gaps in existing work;
- An environmental scan of performance measures currently in use or under development to assess effective interventions;
- The identification of gaps in measurement and the extent to which stakeholders are employing effective interactions;
- The development of a conceptual framework; and
- Recommendations for measure development to assess efforts to reduce disparities in health and healthcare in the target conditions.

A final report is expected in September 2017.

Emergency Department Quality of Transitions of Care

Currently, there are no measures that address the quality of transitions of care into and out of an emergency department (ED). ED visits often represent a critical juncture for a patient, and management of these transitions is important to improve person-centered care, value, and cost efficiency.

Without measures, these transitions lack an established, step-by-step protocol to ensure information sharing and a smooth transition of care for both the patient and provider. Lack of information sharing between the ED and providers may lead to anxiety, uncertainty, inappropriate resource use, or a worsening in the patient's condition and potential harm. The lack of optimal communication during transitions from one care setting to another may contribute to confusion among clinicians regarding the patient's condition, duplicative tests, inconsistent patient monitoring, medication errors, delays in diagnoses, and lack of follow-through on referrals.

Commenced in September 2016, this project identifies concepts for transitions-of-care quality measures for conditions across healthcare settings. NQF will conduct an environmental scan of existing and potential measure concepts relating to emergency department transitions. In addition, NQF will convene an Expert Panel to review the scan, identify measure gaps, and develop a measurement framework and set of guiding principles for future measurement opportunities. NQF will produce a final report summarizing this work in September 2017.

Improving Diagnostic Accuracy

Diagnostic errors are the failure to establish or communicate an accurate and timely assessment of the patient's health problem. Diagnostic errors persist across all healthcare settings and can result in physical, psychological, or financial repercussions for the patient. While most people will experience at least one diagnostic error in their lifetime, the challenge lies in recognizing and defining diagnostic errors. This challenge has left a gap in quality improvement and measurement.

Following the release of the report *Improving Diagnosis in Healthcare,* The National Academy of Sciences, Engineering, and Medicine (NAM) concluded that a sole focus on reducing diagnostic error will not alone achieve widespread change and improvement.[107] NAM called for a broader emphasis on improving the diagnostic process. To accomplish this, NAM put forth eight goals calling for improving and reducing diagnostic error.

For this project, which began in September 2016, NQF will engage stakeholders from across the healthcare spectrum to explore the complex intersection of issues related to diagnostic errors. Specifically, this project will address the following three of the eight goals promulgated by NAM:

- Facilitate more effective teamwork in the diagnostic process among healthcare professionals, patients, and patients' families;
- Develop and deploy approaches to identify, learn from, and reduce diagnostic errors and near misses in clinical practice; and
- Establish a work system and culture that supports the diagnostic process and improvements in diagnostic performance.

To date, NQF has convened a Committee to develop a conceptual framework building upon the evidence, concepts, and models contained in the *Improving Diagnosis in Healthcare* report. The Committee will identify measures currently in development, in testing, and in use. It will then make recommendations for the development of priority measures to address measurement gaps in diagnostic quality and safety. At the close of 2016, the Committee began the environmental scan for measure identification. A final report is expected in September 2017.

VII. Coordination with Measurement Initiatives by Other Payers

Section1890(b)(5)(A)(i) of the Social Security Act mandates that the Annual Report to Congress and the Secretary include a description of the implementation of quality and efficiency measurement initiatives under this Act and the coordination of such initiatives with quality and efficiency initiatives implemented by other payers.

Core Quality Measures Collaborative – Private and Public Alignment

Beginning in 2014, AHIP brought together private- and public-sector payers to identify a core set of aligned measures that both sectors would agree to request from physicians and other providers going forward.[108] NQF provided technical assistance to the Collaborative. Representatives from national physician organizations, employers, and consumer groups also participated in this effort. The Core Quality Measures Collaborative initially focused largely on clinician-level measures used in the ambulatory care settings.

The alignment of measure sets across payers will aid in:

- Promotion of measurement that is evidence-based and can generate valuable information for quality improvement;
- Consumer decision making;
- Value-based purchasing;
- Reduction in the variability in measure selection; and
- Decreasing providers' collection burden and costs.

The Collaborative's stakeholders formed working groups charged with the mission to foster measure alignment in key clinical areas and settings. The working groups addressed the specific areas of accountable care organizations and patient-centered medical homes, cardiology, obstetrics and gynecology, oncology, orthopedics, gastroenterology, ophthalmology, and HIV and hepatitis C. Nearly all of the measures that the Collaborative identified for alignment purposes are NQF-endorsed. NQF educated the workgroups on the current status of the NQF portfolio and the individual measures under consideration for the core set.

The Collaborative published its core measure sets in February 2016.[109]

Quality Measurement for the Medicaid Innovation Accelerator Program

The CMS Medicaid Innovation Accelerator Program (IAP) was launched in 2014 to support states' ongoing efforts related to payment and delivery reforms through targeted technical assistance. The

Medicaid IAP provides targeted technical assistance to state Medicaid agencies across four main program areas:

1. Reducing substance use disorders;
2. Improving care for Medicaid beneficiaries with complex care needs and high costs;
3. Promoting community integration for beneficiaries using long-term services and supports; and
4. Integration of physical and mental health.

In addition, the IAP works with states around key delivery system reform efforts in four functional areas: quality measurement, performance improvement, data analytics, and payment modeling and financial simulations.[110]

NQF's Medicaid Innovation Accelerator Project began in 2016 to support the IAP's four program areas. It will identify and recommend Medicaid-relevant measure sets to support the four main program areas mentioned above.

NQF convened a multistakeholder Coordinating Committee and expert panels to identify sets of existing, standardized measures for state Medicaid agency use. The measures identified will span care settings, levels of analysis, and Medicaid populations for areas important to Medicaid delivery system reform. A final report is expected in September 2017 and will summarize recommendations for the measure sets in the IAP priority areas.

VIII. Conclusion

NQF's work to improve health and healthcare has significantly evolved since it endorsed its first performance measure more than a decade ago. In 2016, NQF drew upon its deep measurement science knowledge and ability to build consensus across public- and private-sector stakeholders to add high-value measures to its portfolio, to retire measures of lesser value, and to advise HHS on the best measures to use in public-reporting and value-based payment programs.

NQF's focus on improving quality of care, enhancing safety, and reducing costs through the endorsement and selection of valid and reliable quality measures remains a constant. Simultaneously, committees and expert panels convened by NQF focus on laying the ground work for new areas of measurement, including assessing the efficacy of care administered through telehealth and the identification of measure gaps in home and community-based services.

In 2016, NQF and its multistakeholder committees endorsed an increased number of outcome measures—both clinical and patient-reported. The composition of NQF's portfolio is now 40 percent outcome measures. NQF also identified critical measure gaps in costly, prevalent health areas—such as neurologic and pulmonary conditions as well as palliative and end-of-life care. Having meaningful and effective performance measures is increasingly consequential because of their centrality to care delivery and payment reform efforts that have bipartisan support and are embraced by the public and private sectors.

NQF also expanded its work in measurement science in 2016. Projects this year, such as variation of measure specifications and value set harmonization, focused on resolving challenges that stand in the way of developing and implementing high-value outcome and cost measures. The recommendations of the Attribution Committee, for example, will help facilitate more accurate attribution of performance to a provider within a team-based environment, a cornerstone to the current reforms in value-based purchasing programs.

In 2016, NQF continued to work in areas that will help facilitate the transition to eMeasurement. Efforts in this area included the increased submission and review of eCQMs, creating a framework to advance the use of measures to improve the safety of health information technology, facilitating the development of evaluation criteria, an overall approach to the harmonization and approval of value sets, and identifying a set of proposed measure concepts that will improve interoperability of EHRs across settings of care.

In 2017, NQF looks forward to continuing work that drives increased use of high-value quality measurement across settings of care, improves the usability and implementation of eCQMs, and furthers a portfolio of effective and impactful measures that public and private payers, providers, and patients can rely upon to improve health and healthcare value.

References

[1] Throughout this report, the relevant statutory language appears in italicized text.

[2] Contract with a Consensus-Based Entity Regarding Performance Measurement. 42 U.S. C. 1395aaa(b)(1) (2014).

[3] HHS. *Report to Congress: National Strategy for Quality Improvement in Health Care*. Washington, DC: HHS; 2011. Available at http://www.ahrq.gov/workingforquality/nqs/nqs2011annlrpt.pdf. Last accessed October 2016.

[4] HHS. *Report to Congress: National Strategy for Quality Improvement in Health Care*. Washington, DC: HHS; 2011. Available at http://www.ahrq.gov/workingforquality/nqs/nqs2011annlrpt.pdf. Last Accessed October 2016.

[5] Commission on Long-Term Care. *Report to the Congress*. Washington, DC: Government Printing Office (GPO); 2013. Available at http://www.gpo.gov/fdsys/pkg/GPO-LTCCOMMISSION/pdf/GPO-LTCCOMMISSION.pdf. Last accessed October 2016.

[6] National Quality Forum (NQF). *Quality in Home and Community-Based Services to Support Community Living: Addressing Gaps in Performance Measurement*. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/09/Quality_in_Home_and_Community-Based_Services_to_Support_Community_Living__Addressing_Gaps_in_Performance_Measurement.aspx. Last accessed February 2017.

[7] NQF. *Addressing Performance Measure Gaps in Home and Community-Based Services to Support Community Living: Initial Components of the Conceptual Framework*. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=79920. Last accessed February 2017.

[8] NQF. *Addressing Performance Measure Gaps in Home and Community-Based Services to Support Community Living: Synthesis of Evidence and Environmental Scan*. Washington, DC; 2016. Available at http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=81346. Last accessed February 2017.

[9] NQF. *Addressing Performance Measure Gaps in Home and Community-Based Services to Support Community Living: Priorities for Measure Development*. Washington, DC: 2016. Available at http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=82630. Last accessed February 2017.

[10] NQF. *Quality in Home and Community-Based Services to Support Community Living: Addressing Gaps in Performance Measurement*. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/09/Quality_in_Home_and_Community-Based_Services_to_Support_Community_Living__Addressing_Gaps_in_Performance_Measurement.aspx. Last accessed February 2017.

[11] Contract with a Consensus-Based Entity Regarding Performance Measurement. 42 U.S. C. 1395aaa(b)(2)(3) (2014).

[12] Medicare Access and CHIP Reauthorization Act of 2015 (MACRA). Pub. L 114-10 §1833(z)(3)(C). 42 U.S.C. 1395 (2010).

[13] NQF. *Attribution – Principles and Approach*. Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/12/Attribution_-_Principles_and_Approaches.aspx. Last accessed February 2017

[14] Harmonization is the process of editing the design of similar measures to ensure they are compatible. Measure developers can make changes to the way a topic or population is defined. Harmonization helps reduce the confusion of having measures that are similar but different.

[15] NQF. *Variation in Measures Specifications: Sources and Mitigation Strategies*. Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/12/Variation_in_Measure_Specifications_-_Sources_and_Mitigation_Strategies_Final_Report.aspx. Last accessed February 2017.

[16] NQF. *Value Set Harmonization*. Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/03/Value_Set_Harmonization_-_Final_Report.aspx. Last accessed February 2017.

[17] Office of the National Coordinator (ONC) for Health Information Technology. *Quality Data Model, Version 4.1.2*. Washington, DC: Centers for Medicare & Medicaid Services (CMS); 2015. Available at https://ecqi.healthit.gov/system/files/qdm/qdm_4_1_2.pdf. Last accessed February 2017.

[18] National Institutes of Health, Value Set Authority Center. CMS eCQM value sets for eReporting for the 2017 reporting period, publication date: January 06, 2017 website. https://vsac.nlm.nih.gov/. Last accessed February 2017.

[19] NQF. *Value Set Harmonization*. Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/03/Value_Set_Harmonization_-_Final_Report.aspx. Last accessed February 2017.

[20] NQF standing committees are comparable to the expert advisory committees typically convened by federal agencies.

[21] NQF. *Measure Evaluation Criteria and Guidance for Evaluating Measures for Endorsement*. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=83123. Last accessed February 2017.

[22] Centers for Disease Control (CDC). *Improving the Nation's Vision Health: A Coordinated Public Health Approach*. Atlanta, GA; 2007. Available at http://www.cdc.gov/visionhealth/publications/vhi_report.htm. Last accessed February 2017.

[23] Wittenborn J, Rein D. *Cost of Vision Problems: The Economic Burden of Vision Loss and Eye Disorders in the United States*. Chicago, IL: NORC at the University of Chicago; 2013. Available at http://www.preventblindness.org/sites/default/files/national/documents/Economic%20Burden%20of%20Vision%20Final%20Report_130611.pdf. Last accessed December 2016.

[24] CDC. National Ambulatory Medical Care Survey Factsheet for Otolaryngology, Atlanta, GA: CDC: 2010. Available at http://www.cdc.gov/nchs/data/ahcd/NAMCS_2010_factsheet_otolaryngology.pdf. Last accessed February 2017.

[25] NQF. *Eye Care and Ear, Nose, and Throat Conditions, 2014-2016*. Final Technical Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/02/EENT_Final_Report.aspx. Last accessed February 2017.

[26] NQF. *Neurological Conditions 2015-2016*. Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/11/Neurological_Conditions_2015-2016.aspx. Last accessed February 2017.

[27] CDC. Stroke website. http://www.cdc.gov/stroke/facts.htm. Last accessed October 2016.

[28] CDC. Alzheimer's disease website. http://www.cdc.gov/aging/aginginfo/alzheimers.htm. Last accessed October 2016.

[29] CDC. Epilepsy fact sheet. http://www.cdc.gov/epilepsy/basics/fast-facts.htm. Last Accessed October 2016.

[30] NQF. *Neurological Conditions 2015-2016*. Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/11/Neurological_Conditions_2015-2016.aspx. Last accessed February 2017.

[31] NQF. *Palliative and End-of-Lift Care 2015-2016*. Technical Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/12/Palliative_and_End-of-Life_Care_2015-2016.aspx. Last accessed February 2016.

[32] Children's Health Insurance Program Reauthorization Act of 2009. Pub. L 111-3. 42 U.S.C. §1320b-9a (2009).

[33] NQF. *Pediatric Measures*. Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/06/Pediatric_Measures_Final_Report.aspx. Last accessed February 2017.

[34] Johnson K, Posner SF, Biemann J, et al. Recommendations to improve preconception health and health care – United States. A report of the CDC/ATSDR Preconception Care Work Group and the Select Panel on Preconception Care. *MMWR Recomm Rep*. 2006;55(RR-6):1-23.

[35] Dehlendorf C, Rodriguez MI, Levy K, et al. Disparities in family planning. *Am J Obstet Gynecol*. 2010;202(3):214-220.

[36] CDC. Pregnancy mortality surveillance system website. http://www.cdc.gov/reproductivehealth/maternalinfanthealth/pmss.html. Last accessed October 2016.

[37] NQF. *Perinatal and Reproductive Health 2015-2016*. Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/12/Perinatal_and_Reproductive_Health_2015-2016_Final_Report.aspx. Last accessed February 2017.

[38] National Heart, Lung and Blood Institute (NHLBI), NIH. Disease Statistics. In: *NHLBI Fact Book, Fiscal Year 2012*. Bethesda, MD: NHLBI; 2012:chap 4. Available at http://www.nhlbi.nih.gov/about/documents/factbook/2012/chapter4. Last accessed October 2016.

[39] American Lung Association. *Estimated Prevalence and Incidence of Lung Disease*. Washington, DC: American Lung Association Epidemiology and Statistics Unit; 2014. Available at http://www.lung.org/finding-cures/our-research/trend-reports/estimated-prevalence.pdf. Last accessed February 2017.

[40] Society of Critical Care Medicine. Critical care statistics website. http://www.sccm.org/Communications/Pages/CriticalCareStats.aspx. Last Accessed February 2017.

[41] Society of Critical Care Medicine. Critical care statistics website. http://www.sccm.org/Communications/Pages/CriticalCareStats.aspx. Last Accessed February 2017.

[42] Inactive endorsement with reserve status (a.k.a. reserve status) is applied only to highly credible, reliable and valid measures that have high levels of performance with little variability so that performance could be monitored as necessary to ensure that performance does not decline.

[43] NQF. *Pulmonary and Critical Care*. Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/10/Pulmonary_and_Critical_Care_2015-2016_Final_Report.aspx. Last accessed February 2017.

[44] Hines A, Barrett M, Jiang HJ, et al. *Conditions with the Largest Number of Adult Hospital Readmissions by Payer, 2011*. Rockville, MD: Agency for Healthcare Research and Quality (AHRQ); 2014. HCUP Statistical Brief #172. Available at http://www.hcup-us.ahrq.gov/reports/statbriefs/sb172-Conditions-Readmissions-Payer.pdf. Last Accessed February 2017.

[45] American Cancer Society (ACS). *Cancer Facts and Figures 2016*. Atlanta: ACS; 2016. Available at http://www.cancer.org/research/cancerfactsstatistics/cancerfactsfigures2016/index. Last Accessed February 2017.

[46] ACS. *Cancer Facts and Figures 2015*. Atlanta: ACS; 2016. Available at https://old.cancer.org/acs/groups/content/@editorial/documents/document/acspc-044552.pdf. Last accessed February 2017.

[47] National Cancer Institute. Cancer Prevalence and Cost of Care projections website. https://costprojections.cancer.gov/. Last accessed February 2017.

[48] Soni A. *Trends in Use and Expenditures for Cancer Treatment among Adults 18 and older, U.S. Civilian Noninstitutionalized Population, 2001 and 2011*. Rockville, MD: Agency for Healthcare Research and Quality (AHRQ); 2014. Statistical Brief #443. Available at http://meps.ahrq.gov/mepsweb/data_files/publications/st443/stat443.pdf. Last accessed February 2016.

[49] Lloyd-Jones D, Adams RJ, Brown TM, et al. Heart disease and stroke statistics —2010 update. A report from the American Heart Association Statistics Committee and Stroke Statistics Subcommittee. *Circulation*. 2010;121:e1-e170.

[50] Lloyd-Jones D, Adams RJ, Brown TM, et al. Heart disease and stroke statistics —2010 update. A report from the American Heart Association Statistics Committee and Stroke Statistics Subcommittee. *Circulation*. 2010;121:e1-e170.

[51] HHS. *HHS Secretary Sebelius Statement on National High Blood Pressure Education Month*. May 2, 2012. Available at http://www.hhs.gov/news/press/2012pres/05/20120502a.html. Last accessed October 2013.

[52] Catlin A, Cowan C, Hartman M, et al. National health spending in 2006: a year of change for prescription drugs. *Health Aff (Millwood)*. 2008; 27(1):14-29.

[53] Nash DB, Reifsnyder J, Fabius R, Pracilio VP. *Population Health: Creating a Culture of Wellness*. Sudbury, MA: Jones & Bartlett Learning; 2011.

[54] Kindig DA, Asada Y, Booske B. A population health framework for setting national and state health goals. *JAMA*, 2008;299(17):2081-2083.

[55] NQF. *Population Health Endorsement Maintenance: Phase II*. Technical Report. Washington, DC: NQF; 2012. Available at www.qualityforum.org/Publications/2012/12/Population_Health_Endorsement_Maintenance_-_Phase_II_Technical_Report.aspx. Last accessed February 2017.

[56] CDC, Association of State and Territorial Health Officials (ASTHO). *Eliminating Healthcare-Associated Infections: State Policy Options*, Arlington, VA: ASTHO, 2011.

[57] AHRQ. *2015 National Healthcare Quality and Disparities Report and 5th Anniversary Update on the National Quality Strategy*. Rockville, MD: AHRQ; 2016.

[58] NQF. *Safe Practices for Better Healthcare – 2010 Update*. Washington, DC: NQF; 2010. Available at http://www.qualityforum.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=25689. Last accessed February 2017.

[59] NQF. List of SREs website. http://www.qualityforum.org/Topics/SREs/List_of_SREs.aspx. Last accessed February 2017.

[60] U.S. Renal Data System (USRDS). *USRDS 2010 Annual Data Report: Atlas of Chronic Kidney Disease and End-Stage Renal Disease in the United States*. Bethesda, MD: National Institutes of Health, National Institute of Diabetes and Digestive and Kidney Diseases; 2010. Available at http://www.usrds.org/atlas.htm. Last accessed June 2016.

[61] USRDS. U.S. Renal Data System. *USRDS 2010 Annual Data Report: Atlas of Chronic Kidney Disease and End-Stage Renal Disease in the United States*. Bethesda, MD: National Institutes of Health, National Institute of Diabetes and Digestive and Kidney Diseases; 2010. Available at http://www.usrds.org/atlas.htm. Last accessed June 2016.

[62] Cullen KA, Hall MJ, Golosinskiy A. Ambulatory surgery in the United States, 2006. *Natl Health Stat Report*. 2009;(11):1-25. Available at http://www.cdc.gov/nchs/data/nhsr/nhsr011.pdf. Last accessed February 2017.

[63] Cullen KA, Hall MJ, Golosinskiy A. Ambulatory surgery in the United States, 2006. *Natl Health Stat Report*. 2009(11):1-125. Available at http://www.cdc.gov/nchs/data/nhsr/nhsr011.pdf. Last accessed February 2017.

[64] CDC, NCCHS. *National Hospital Discharge Survey: 2010 Table, Procedures by Selected Patient Characteristics – Number by Procedure Category and Age*. Atlanta, GA: CDC; 2010. Available at http://www.cdc.gov/nchs/nhds/nhds_tables.htm. Last Accessed February 2017.

[65] Trust for America's Health. Outbreaks: Protecting Americans from Infectious Diseases, 2014. Washington, DC: Trust for America's Health, Robert Wood Johnson Foundation; 2014. Available at http://healthyamericans.org/assets/files/Final%20Outbreaks%202014%20Report.pdf. Last accessed February 2017.

[66] CDC, National Center for Health Statistics. Infectious disease website. http://www.cdc.gov/nchs/fastats/infectious-disease.htm. Last accessed February 2017

[67] Contract with a Consensus-Based Entity Regarding Performance Measurement. 42 U.S. C. 1395aaa(b)(5)(A) (2014).

[68]The Merit-based Incentive Payment System (MIPS), established by H.R. 2 Medicare Access and CHIP Reauthorization Act of 2015 (MACRA), consolidates the programs of the Physician Quality Reporting System (PQRS), the Value-Based Modifier (VM), and the Electronic Health Records (EHR) incentive program into one program (MIPS). MIPS will apply to doctors of medicine or osteopathy, doctors of dental surgery or dental medicine, doctors of podiatric medicine, doctors of optometry, chiropractors, physician assistants, nurse practitioners, clinical nurse specialists, and certified registered nurse anesthetists. Positive and negative adjustments will be applied to items and services beginning January 1, 2019, based on providers meeting a performance threshold in four performance categories: quality, resource use, clinical practice improvements activities, and meaningful use of certified EHR technology.

[69] ACA §3022 requires CMS to establish a Shared Savings Program that promotes accountability for a patient population, coordinates items and services under Medicare Parts A and B, and encourages investment in infrastructure and redesigned care process for higher-quality and more efficient service delivery. Eligible providers, hospitals, and suppliers may participate in the MSSP by creating or participating in an Accountable Care Organization (ACO). If ACOs meet program requirements and the ACO quality performance standard, they are eligible to share in savings, if earned.

[70] Accountable Care Organizations (ACOs) are groups of doctors, hospitals, and other healthcare providers, who come together voluntarily to give coordinated care to their patients.

[71] NQF. *MAP 2016 Considerations for Implementing Measures in Federal Programs: Clinicians.* Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/03/MAP_2016_Considerations_for_Implementing_Measures_in_Federal_Programs__Clinicians.aspx. Last accessed February 2017.

[72] NQF. *MAP 2016 Considerations for Implementing Measures in Federal Programs: Hospitals.* Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/02/MAP_2016_Considerations_for_Implementing_Measures_in_Federal_Programs_-_Hospitals.aspx. Last accessed February 2017.

[73] NQF. *MAP 2016 Considerations for Implementing Measures in Federal Programs: Post-Acute Care and Long-Term Care.* Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/02/MAP_2016_Considerations_for_Implementing_Measures_in_Federal_Programs_-_PAC-LTC.aspx. Last accessed February 2017.

[74] CMS. *Medicare-Medicaid Coordination Office Fiscal Year 2015 Report to Congress.* Baltimore, MD: CMS; 2015. Available at https://www.cms.gov/Medicare-Medicaid-Coordination/Medicare-and-Medicaid-Coordination/Medicare-Medicaid-Coordination-Office/Downloads/MMCO_2015_RTC.pdf. Last accessed October 2016.

[75] CMS. *Physical and Mental Health Condition Prevalence and Comorbidity among Fee-for-Service Medicare-Medicaid Enrollees.* Baltimore, MD: CMS; 2014.

[76] Medicare Payment Advisory Commission (MedPAC). *Data Book. Beneficiaries Dually Eligible for Medicare and Medicaid. Section 4: Dual-eligible beneficiaries' utilization of and spending on Medicare and Medicaid services.* Washington, DC: MedPAC; 2015:45-49. Available at http://medpac.gov/docs/default-source/data-book/january-2015-medpac-and-macpac-data-book-beneficiaries-dually-eligible-for-medicare-and-medicaid.pdf?sfvrsn=0. Last accessed October 2016.

[77] Medicare Payment Advisory Commission (MedPAC) and the Medicaid and CHIP Payment and Access Commission (MACPAC). *Data Book: Beneficiaries Dually Eligible for Medicare and Medicaid.* Washington, DC: MedPAC, MACPAC; 2015. Available at http://www.medpac.gov/documents/data-book/january-2015-med-pac-and-macpac-data-book-beneficiaries-dually-eligible-for-medicare-and-medicaid.pdf. Last accessed October 2016.

[78] Medicare Payment Advisory Commission (MedPAC) and the Medicaid and CHIP Payment and Access Commission (MACPAC). *Data Book: Beneficiaries Dually Eligible for Medicare and Medicaid.* Washington, DC: MedPAC, MACPAC; 2015. Available at http://www.medpac.gov/documents/data-book/january-2015-med-pac-and-macpac-data-book-beneficiaries-dually-eligible-for-medicare-and-medicaid.pdf. Last accessed October 2016.

[79] NQF. *Promoting Community Connections through Quality Measurement for the Dual Eligible Beneficiary Population, 2016.* Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/08/Promoting_Community_Connections_through_Quality_Measurement_for_the_Dual_Eligible_Beneficiary_Population,_2016.aspx. Last accessed February 2017.

[80] HHS. *2014 CMS Statistics.* Baltimore, MD: Centers for Medicare & Medicaid Services (CMS); 2013. Available at https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/CMS-Statistics-Reference-Booklet/Downloads/CMS_Stats_2014_final.pdf. Last accessed October 2016.

[81] HHS. *2014 CMS Statistics.* Baltimore, MD: CMS; 2013. Table I.16. Available at https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/CMS-Statistics-Reference-Booklet/Downloads/CMS_Stats_2014_final.pdf. The blind/disabled total includes some children. Last Accessed October 2016.

[82] Kaiser Family Foundation (KFF). *Low-Income Adults Under Age 65-Many are Poor, Sick, and Uninsured* [policy brief]. Washington, DC: KFF; 2009.

[83] Government Accountability Office (GAO). *Medicaid Preventive Services: Concerted Efforts Needed to Ensure Beneficiaries Receive Services.* Washington, DC: GAO; 2009.

[84] Damler R. Medicaid expansion under the Affordable Care Act. *Health Watch*. 2013;73(October):31-34

[85] NQF. *Strengthening the Core Set of Healthcare Quality Measures for Adults Enrolled in Medicaid, 2016*. Washington, DC; 2016. Available at http://www.qualityforum.org/Publications/2016/08/Strengthening_the_Core_Set_of_Healthcare_Quality_Measures_for_Children_Enrolled_in_Medicaid,_2016.aspx. Last accessed February 2017.

[86] HHS. *2015 Annual Report on the Quality of Care for Adults in Medicaid*. Washington, DC: HHS; 2015.

[87] Markus AR, Andres E, West KD, et al. Medicaid covered births, 2008 through 2010, in the context of the implementation of health reform. *Womens Health Issues*. 2013; 23(5): e273-e280.

[88] NQF. *Strengthening the Core Set of Healthcare Quality Measures for Children Enrolled in Medicaid, 2016*. Washington, DC; 2016. Available at http://www.qualityforum.org/Publications/2016/08/Strengthening_the_Core_Set_of_Healthcare_Quality_Measures_for_Children_Enrolled_in_Medicaid,_2016.aspx. Last accessed February 2017.

[89] NQF. *Eye Care and Ear, Nose, and Throat Conditions, 2014-2016*. Final Technical Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/02/EENT_Final_Report.aspx. Last accessed February 2017.

[90] NQF. *Neurological Conditions 2015-2016*. Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/11/Neurological_Conditions_2015-2016.aspx. Last accessed February 2017.

[91] NQF. *Palliative and End-of-Lift Care 2015-2016*. Technical Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/12/Palliative_and_End-of-Life_Care_2015-2016.aspx. Last accessed February 2016.

[92] NQF. *Pediatric Measures*. Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/06/Pediatric_Measures_Final_Report.aspx. Last accessed February 2017.

[93] NQF. *Perinatal and Reproductive Health 2015-2016*. Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/12/Perinatal_and_Reproductive_Health_2015-2016_Final_Report.aspx. Last accessed February 2017.

[94] NQF. *Pulmonary and Critical Care*. Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/10/Pulmonary_and_Critical_Care_2015-2016_Final_Report.aspx. Last accessed February 2017.

[95] CMS. Center for Clinical Standards and Quality. *2015 Measures under Consideration List. Program Specific Measure Priorities and Needs*. Baltimore, MD: CMS; 2015:25-26. Available at https://www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/QualityMeasures/Downloads/Program-Specific-Measure-Priorities-and-Needs.pdf. Last accessed February 2017.

[96] NQF. *MAP 2016 Considerations for Implementing Measures in Federal Programs: Clinicians*. Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/03/MAP_2016_Considerations_for_Implementing_Measures_in_Federal_Programs__Clinicians.aspx. Last accessed February 2017.

[97] CMS. Center for Clinical Standards and Quality. *2015 Measures under Consideration List. Program Specific Measure Priorities and Needs*. Baltimore, MD: CMS; 2015:25-26. Available at https://www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/QualityMeasures/Downloads/Program-Specific-Measure-Priorities-and-Needs.pdf. Last accessed February 2017.

[98] The Comprehensive ESRD Care (CEC) model joins together dialysis clinics, nephrologists, and other providers to create ESRD Seamless Care Organizations (ESCOs) to coordinate care for matched beneficiaries. ESCOs are accountable for clinical quality outcomes and financial outcomes measures by Medicare Part A and B spending. Center for Medicare and Medicaid Innovation. Pub. L 114-38. 42 U.S.C. 1315a(a)(1) (2010).

[99] NQF. *MAP 2016 Considerations for Implementing Measures in Federal Programs: Hospitals.* Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/02/MAP_2016_Considerations_for_Implementing_Measures_in_Federal_Programs_-_Hospitals.aspx. Last accessed February 2017.

[100] NQF. *MAP 2016 Considerations for Implementing Measures in Federal Programs: Post-Acute Care and Long-Term Care.* Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/02/MAP_2016_Considerations_for_Implementing_Measures_in_Federal_Programs_-_PAC-LTC.aspx. Last accessed February 2017.

[101] NQF. *Promoting Community Connections through Quality Measurement for the Dual Eligible Beneficiary Population, 2016.* Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/08/Promoting_Community_Connections_through_Quality_Measurement_for_the_Dual_Eligible_Beneficiary_Population,_2016.aspx. Last accessed February 2017.

[102] NQF. *Strengthening the Core Set of Healthcare Quality Measures for Adults Enrolled in Medicaid, 2016.* Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/08/Strengthening_the_Core_Set_of_Healthcare_Quality_Measures_for_Adults_Enrolled_in_Medicaid,_2016.aspx. Last accessed February 2017.

[103] NQF. *Strengthening the Core Se rot Healthcare Quality Measures for Children Enrolled in Medicaid, 2016.* Final Report. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/08/Strengthening_the_Core_Set_of_Healthcare_Quality_Measures_for_Children_Enrolled_in_Medicaid,_2016.aspx. Last accessed February 2017.

[104] NQF. Identification and Prioritization of HIT Patient Safety Measures. Washington, DC: NQF; 2016. Available at http://www.qualityforum.org/Publications/2016/02/Identification_and_Prioritization_of_HIT_Patient_Safety_Measures.aspx. Last accessed February 2017.

[105] Agency for Healthcare Research and Quality (AHRQ). *2015 National Healthcare Quality and Disparities Report.* Rockville, MD: AHRQ; 2015. Available at https://www.ahrq.gov/research/findings/nhqrdr/nhqdr15/index.html. Last accessed February 2017.

[106] AHRQ. *2015 National Healthcare Quality and Disparities Report.* Rockville, MD: AHRQ; 2015. Available at https://www.ahrq.gov/research/findings/nhqrdr/nhqdr15/index.html. Last accessed February 2017.

[107] National Academies of Sciences, Engineering, and Medicine. *Improving Diagnosis in Health Care.* Washington, DC: The National Academies Press; 2015. Available at http://iom.nationalacademies.org/Reports/2015/Improving-Diagnosis-in-Healthcare. Last accessed February 2017.

[108] Conway PH. Core Quality Measures Collaborative Working Group. The Core Quality Measures Collaborative: A rationale and framework for public-private quality measure alignment. *Health Affairs Blog*. June 23, 2015. http://healthaffairs.org/blog/2015/06/23/the-core-quality-measures-collaborative-a-rationale-and-framework-for-public-private-quality-measure-alignment/. Last accessed February 2017.

[109] CMS. Core measures: overview website. https://www.cms.gov/Medicare/Quality-Initiatives-patient-assessment-instruments/qualitymeasures/core-measures.html. Last Accessed February 2017.

[110] CMS. Medicaid Innovation Accelerator Program (IAP) website. https://www.medicaid.gov/state-resource-center/innovation-accelerator-program/innovation-accelerator-program.html. Last accessed February 2017.

Appendix A: 2016 Activities Performed Under Contract with HHS

1. Recommendations on the National Quality Strategy and Priorities

Description	Output	Status	Notes/Scheduled or Actual Completion Date
Multistakeholder input on a National Priority: Improving Population Health by Working with Communities	Publication of *Improving Papulation Health by Working with Communities: Action Guide 3.0*	Completed	Final report issued August 2016.
Quality measurement for home and community-based services	Publication of *Quality in Home and Community-Based Services to Support Community Living: Addressing Gaps in Performance Measurement*	Completed	Final report issued September 2016.

2. Quality and Efficiency Measurement Initiatives

Description	Output	Status	Notes/Scheduled or Actual Completion Date
Eye Care, Ear, Nose, and Throat Conditions	Set of endorsed measures for eye care, ear, nose and throat conditions	Completed	Endorsed 21 measures, including 6 eCQMs in February 2016.
Neurology	Set of endorsed measures for neurology measures	Completed	Endorsed 9 measures, including 1 eCQM in November 2016.
Palliative and End-of-Life Care	Set of endorsed measures for palliative and end-of-life measures	Completed	Endorsed 23 measures in December 2016.
Pediatric	Set of endorsed measures for pediatric measures	Completed	Endorsed 15 measures in June 2016.
Perinatal and Reproductive Health	Set of endorsed measures for perinatal and reproductive health	Completed	Endorsed 18 measures in December 2016.
Pulmonary and Critical Care	Set of endorsed measures for pulmonary and critical care	Completed	Endorsed 12 measures in October 2016.
All-cause admissions and readmissions measures	Set of endorsed measures for all-cause admissions and readmissions	Phase 2 completed Phase 3 in progress	Phase 2 endorsed 30 measures in December 2016. Phase 3 final report expected October 2017.
Cancer	Set of endorsed measures for cancer	In Progress	Final report expected January 2017.
Cardiovascular	Set of endorsed measures for cardiovascular conditions	Phase 3 completed May 2016 Phase 4 in progress	Phase 3 endorsed 17 measures in May 2016. Phase 4 final report expected February 2017.
Cost and Resource Use	Set of endorsed measures for cost and resource use	Phase 4 in progress	Phase 4 final report expected September 2017.
Health and Well Being	Set of endorsed measure for health and well being	Phase 3 in progress	Phase 3 final report expected January 2017.
Patient Safety	Set of endorsed measures for patient safety	Phase 2 completed Phase 3 in progress	Phase 2 endorsed 22 measures in February 2016. Phase 3 final report expected March 2017.
Person and Family Centered Care	Set of endorsed measures for person and family centered care	In progress	Final report expected January 2017.
Renal	Set of endorsed measures for renal conditions	In progress	Final report expected February 2017.
Surgery	Set of endorsed measures for surgical care	Phase 3 in progress	Phase 3 final report expected March 2017.

Description	Output	Status	Notes/Scheduled or Actual Completion Date
Behavioral Health	Set of endorsed measures for behavioral health	In progress	Final report expected September 2017.
Care Coordination	Set of endorsed measures for care coordination	In progress	Final report expected September 2017.
Infectious Disease	Set of endorsed measures for infectious disease	In progress	Final report expected September 2017
Variation of measure specifications	Environmental scan, conceptual framework, glossary of definitions, and recommendation of core principles	Completed	Final report published December 2016.
Attribution	Set principles for attribution and explore valid and reliable approaches for attribution, develop model that meets the requirements set	In progress	Final report expected December 2016.
Value set harmonization	Development of evaluation criteria, recommendations on integration	Completed	Final report published March 2016.

3. Stakeholder Recommendations on Quality and Efficiency Measures and National Priorities

Description	Output	Status	Notes/Scheduled or Actual Completion Date
Recommendations for measures to be implemented through the federal rulemaking process for public reporting and payment	Measure Applications Partnership pre-rulemaking recommendations on measures under consideration by HHS for 2016 rulemaking	Completed	Completed February 2016
Identification of quality measures for dual-eligible Medicare-Medicaid enrollees and adults enrolled in Medicaid	Annual input on the Initial Core Set of Health Care Quality Measures for Adults Enrolled in Medicaid, and additional refinements to previously published Families of Measures.	Completed	Completed August 2016
Identification of quality measures for children in Medicaid	Annual input on the Initial Core Set of Health Care Quality Measures for Children enrolled in Medicaid.	Completed	Completed August 2016

Appendix B: Attribution Model Selection Guide

What is the context and goal of the accountability program?	• **What are the desired outcomes and results of the program?** • **Is the attribution model evidence-based?** • **Is the attribution model aspirational?** • **What is the accountability mechanism of the program?** • **Which entities will participate and act under the accountability program?** • **What are the potential consequences?**
How do the measures relate to the context in which they are being used?	• What are the patient inclusion/exclusion criteria? • Does the model attribute enough individuals to draw fair conclusions?
Which units will be affected by the attribution model?	• Which units are eligible for the attribution model? • To what degree can the accountable unit influence the outcomes? • Do the units have sufficient sample size to aggregate measure results? • Are there multiple units to which this attribution model will be applied?
How is the attribution performed?	• What data are used? Do all parties have access to the data? • What are the qualifying events for attribution, and do those qualifying events accurately assign care to the right accountable unit? • What are the details of the algorithm used to assign responsibility? • Have multiple methodologies been considered for reliability? • What is the timing of the attribution computation?

Appendix C: MAP Measure Selection Criteria

The Measure Selection Criteria (MSC) are intended to assist MAP with identifying characteristics that are associated with ideal measure sets used for public reporting and payment programs. The MSC are not absolute rules; rather, they are meant to provide general guidance on measure selection decisions and to complement program-specific statutory and regulatory requirements. Central focus should be on the selection of high-quality measures that optimally address the National Quality Strategy's three aims, fill critical measurement gaps, and increase alignment. Although competing priorities often need to be weighed against one another, the MSC can be used as a reference when evaluating the relative strengths and weaknesses of a program measure set, and how the addition of an individual measure would contribute to the set. The MSC have evolved over time to reflect the input of a wide variety of stakeholders.

To determine whether a measure should be considered for a specified program, the MAP evaluates the measures under consideration against the MSC. MAP members are expected to familiarize themselves with the criteria and use them to indicate their support for a measure under consideration.

1. NQF-endorsed measures are required for program measure sets, unless no relevant endorsed measures are available to achieve a critical program objective

Demonstrated by a program measure set that contains measures that meet the NQF endorsement criteria, including importance to measure and report, scientific acceptability of measure properties, feasibility, usability and use, and harmonization of competing and related measures

Subcriterion 1.1	*Measures that are not NQF-endorsed should be submitted for endorsement if selected to meet a specific program need*
Subcriterion 1.2	*Measures that have had endorsement removed or have been submitted for endorsement and were not endorsed should be removed from programs*
Subcriterion 1.3	*Measures that are in reserve status (i.e., topped out) should be considered for removal from programs*

2. Program measure set adequately addresses each of the National Quality Strategy's three aims

Demonstrated by a program measure set that addresses each of the National Quality Strategy (NQS) aims and corresponding priorities. The NQS provides a common framework for focusing efforts of diverse stakeholders on:

Subcriterion 2.1	*Better care, demonstrated by patient- and family-centeredness, care coordination, safety, and effective treatment*
Subcriterion 2.2	*Healthy people/healthy communities, demonstrated by prevention and well-being*
Subcriterion 2.3	*Affordable care*

3. Program measure set is responsive to specific program goals and requirements

Demonstrated by a program measure set that is "fit for purpose" for the particular program

Subcriterion 3.1	*Program measure set includes measures that are applicable to and appropriately tested for the program's intended care setting(s), level(s) of analysis, and population(s)*
Subcriterion 3.2	*Measure sets for public reporting programs should be meaningful for consumers and purchasers*
Subcriterion 3.3	*Measure sets for payment incentive programs should contain measures for which there is broad experience demonstrating usability and usefulness (Note: For some Medicare payment programs, statute requires that measures must first be implemented in a public reporting program for a designated period)*
Subcriterion 3.4	*Avoid selection of measures that are likely to create significant adverse consequences when used in a specific program*
Subcriterion 3.5	*Emphasize inclusion of endorsed measures that have eCQM specifications available*

4. Program measure set includes an appropriate mix of measure types

Demonstrated by a program measure set that includes an appropriate mix of process, outcome, experience of care, cost/resource use/appropriateness, composite, and structural measures necessary for the specific program

Subcriterion 4.1	*In general, preference should be given to measure types that address specific program needs*
Subcriterion 4.2	*Public reporting program measure sets should emphasize outcomes that matter to patients, including patient- and caregiver-reported outcomes*
Subcriterion 4.3	*Payment program measure sets should include outcome measures linked to cost measures to capture value*

5. Program measure set enables measurement of person- and family-centered care and services

Demonstrated by a program measure set that addresses access, choice, self-determination, and community integration

Subcriterion 5.1	*Measure set addresses patient/family/caregiver experience, including aspects of communication and care coordination*
Subcriterion 5.2	*Measure set addresses shared decisionmaking, such as for care and service planning and establishing advance directives*
Subcriterion 5.3	*Measure set enables assessment of the person's care and services across providers, settings, and time*

6. Program measure set includes considerations for healthcare disparities and cultural competency

Demonstrated by a program measure set that promotes equitable access and treatment by considering healthcare disparities. Factors include addressing race, ethnicity, socioeconomic status, language, gender, sexual orientation, age, or geographical considerations (e.g., urban vs. rural). Program measure set also can address populations at risk for healthcare disparities (e.g., people with behavioral/mental illness).

Subcriterion 6.1	*Program measure set includes measures that directly assess healthcare disparities (e.g., interpreter services)*
Subcriterion 6.2	*Program measure set includes measures that are sensitive to disparities measurement (e.g., beta blocker treatment after a heart attack), and that facilitate stratification of results to better understand differences among vulnerable populations*

7. Program measure set promotes parsimony and alignment

Demonstrated by a program measure set that supports efficient use of resources for data collection and reporting, and supports alignment across programs. The program measure set should balance the degree of effort associated with measurement and its opportunity to improve quality.

Subcriterion 7.1	*Program measure set demonstrates efficiency (i.e., minimum number of measures and the least burdensome measures that achieve program goals)*
Subcriterion 7.2	*Program measure set places strong emphasis on measures that can be used across multiple programs or applications (e.g., Physician Quality Reporting System [PQRS], Meaningful Use for Eligible Professionals, Physician Compare)*

Appendix D: Federal Public Reporting and Performance-Based Payment Programs Considered by MAP

1. Ambulatory Surgical Center Quality Reporting
2. End-Stage Renal Disease Quality Improvement Program
3. Home Health Quality Reporting
4. Hospice Quality Reporting
5. Hospital Acquired Condition Payment Reduction (ACA 3008)
6. Hospital Inpatient Quality Reporting
7. Hospital Outpatient Quality Reporting
8. Hospital Readmission Reduction Program
9. Hospital Value-Based Purchasing
10. Inpatient Psychiatric Facility Quality Reporting
11. Inpatient Rehabilitation Facility Quality Reporting
12. Long-Term Care Hospital Quality Reporting
13. Medicaid
14. Children's Health Insurance Program (CHIP)
15. Medicare Shared Savings Program
16. Merit-Based Incentive Payment System
17. Physician Compare
18. Prospective Payment System (PPS)-Exempt Cancer Hospital Quality Reporting
19. Skilled Nursing Facility Quality Reporting Program

Appendix E: MAP Structure, Members, Criteria for Service, and Rosters

MAP operates through a two-tiered structure. Guided by the priorities and goals of HHS's National Quality Strategy, the MAP Coordinating Committee provides direction and direct input to HHS. MAP's workgroups advise the Coordinating Committee on measures needed for specific care settings, care providers, and patient populations. Time-limited task forces consider more focused topics, such as developing "families of measures"—related measures that cross settings and populations—and provide further information to the MAP Coordinating Committee and workgroups. Each multistakeholder group includes individuals with content expertise and organizations particularly affected by the work.

MAP's members are selected based on NQF Board-adopted selection criteria, through an annual nominations process and an open public commenting period. Balance among stakeholder groups is paramount. Due to the complexity of MAP's tasks, individual subject matter experts are included in the groups. Federal government *ex officio* members are nonvoting because federal officials cannot advise themselves. MAP members serve staggered three-year terms.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Neurological Sciences Training Initial Review Group; NST–1 Subcommittee.

Date: September 25–26, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Grand Chicago Riverfront, 71 East Wacker Drive, Chicago, IL 60601.

Contact Person: William Benzing, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, (301) 496–4056, *benzingw@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: August 15, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–17666 Filed 8–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Mental Health.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Mental Health, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Mental Health.

Date: September 26–27, 2017.

Time: September 26, 2017, 10:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Porter Neuroscience Research Center, Rooms GE 620/620, Building 35A Convent Drive, Bethesda, MD 20892.

Time: September 27, 2017, 8:40 a.m. to 5:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Porter Neuroscience Research Center, Rooms GE 620/630/640, Building 35A Convent Drive, Bethesda, MD 20892.

Contact Person: Jennifer E. Mehren, Ph.D., Scientific Advisor, Division of Intramural Research Programs, National Institute of Mental Health, NIH, 35A Convent Drive, Room GE 412, Bethesda, MD 20892–3747, 301–496–3501, *mehrenj@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: August 16, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–17664 Filed 8–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel; CTSA.

Date: September 26–27, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Rockville, MD 20852.

Contact Person: Carol Lambert, Ph.D., Acting Director, Office of Scientific Review, National Center for Advancing Translational, Sciences (NCATS), National Institutes of Health, 6701 Democracy Blvd., Democracy 1, Room 1076, Bethesda, MD 20892, 301–435–0814, *lambert@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: August 15, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–17657 Filed 8–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning

individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Arthritis and Musculoskeletal and Skin Diseases Advisory Council.

Date: September 6, 2017.

Open: 8:30 a.m. to 12:00 p.m.

Agenda: To discuss program policies and issues.

Place: National Institutes of Health, Building 31, 31 Center Drive, Bethesda, MD 20892.

Closed: 1:00 p.m. to 2:45 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Melinda Nelson, Acting Director, National Institute of Arthritis and Musculoskeletal and Skin Diseases, Grants Management Branch, 45 Center Drive, Natcher Building, Room 5A49, Bethesda, MD 20892, (301) 594–3535, mn23z@nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: August 16, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–17661 Filed 8–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIAID; Peer Review Meeting.

Date: September 14, 2017.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Tracy A. Shahan, MBA, Ph.D., Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 5601 Fishers Lane, Room #3F31, MSC 79823, Bethesda, MD 20892–9823, (240) 669–5030, *tshahan@niaid.nih.gov*.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIAID; Peer Review Meeting.

Date: September 15, 2017.

Time: 10:00 a.m. to 4:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Louis A. Rosenthal, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 5601 Fishers Lane, Rm 3G42B, MSC 9834, Bethesda, MD 20892–9834, (240) 669–5070, *rosenthalla@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 16, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–17659 Filed 8–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Drug Repurposing for Alzheimer's Disease.

Date: September 20, 2017.

Time: 12:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway, Suite 2W200C, 7201 Wisconsin Ave., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Greg Bissonette, Ph.D., Scientific Review Officer, National Institute on Aging, National Institutes of Health, Gateway Building, Suite 2W200, 7201, Wisconsin Avenue, Bethesda, MD 20892, 301–402–1622, *bissonettegb@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 16, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–17658 Filed 8–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Dental and Craniofacial Research Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Dental and Craniofacial Research Council.

Date: September 15, 2017.

Open: 8:30 a.m. to 12:15 p.m.

Agenda: Report to the Director, NIDCR.

Place: National Institutes of Health, Building 31C, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Closed: 1:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31C, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Alicia J. Dombroski, Ph.D., Director, Division of Extramural Activities, National Institute of Dental and Craniofacial Research, National Institutes of Health, Bethesda, MD 20892, 301–594–4805, *adombroski@nidcr.nih.gov.*

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.nidcr.nih.gov/about,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: August 16, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–17663 Filed 8–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Neurological Disorders and Stroke, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

Date: September 24–26, 2017.

Time: 6:00 p.m. to 12:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Alan P. Koretsky, Ph.D., Scientific Director, Division of Intramural Research, National Institute of Neurological Disorders and Stroke, NIH, 35 Convent Drive, Room 6A 908, Bethesda, MD 20892, (301) 435–2232, *koretskya@ninds.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS).

Dated: August 15, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–17665 Filed 8–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Identification of Genetic and Genomic Variants by Next-Gen Sequencing in Non-human Animal Models (U01).

Date: September 27, 2017.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Shang-Yi Anne Tsai, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4228, MSC 9550, Bethesda, MD 20892, 301–827–5842, *shangyi.tsai@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Phase II: NIDA Avant-Garde Award Program for HIV/AIDS and Drug Use Research (DP1).

Date: December 1, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Hiromi Ono, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4238, MSC 9550, Bethesda, MD 20892, 301–827–5820, *hiromi.ono@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: August 16, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–17662 Filed 8–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIH; Peer Review Meeting.

Date: September 18–19, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Bethesda North Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Ann Marie M. Cruz, Ph.D., Scientific Review Officer, Program Management & Operations, Branch DEA/SRP, National Institutes of Health, NIAID, 5601 Fishers Lane, Rm. 3E71, Rockville, MD 20852, 301–761–3100, *AnnMarie.Cruz@niaid.nih.gov*.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIH; Peer Review Meeting.

Date: September 27–28, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Ann Marie M. Cruz, Ph.D., Scientific Review Officer, Program Management & Operations Branch, DEA/SRP, National Institutes of Health, NIAID, 5601 Fishers Lane, Rm. 3E71, Rockville, MD 20852, 301–761–3100, *AnnMarie.Cruz@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 16, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–17660 Filed 8–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Genes and Genetics of Diseases.

Date: September 12, 2017.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Richard A. Currie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1108, MSC 7890, Bethesda, MD 20892, (301) 435–1219, *currieri@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–15–276: Turkey-U.S. Program for Affordable Medical Technologies.

Date: September 12, 2017.

Time: 1:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Careen K. Tang-Toth, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 435–3504, *tothct@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 16, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–17656 Filed 8–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Advisory Committee on Research on Women's Health.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Advisory Committee on Research on Women's Health.

Date: September 13, 2017.

Time: 9:00 a.m. to 3:00 p.m.

Agenda: The Committee serves to advise and make recommendations to the Director, Office of Research on Women's Health (ORWH) on a broad range of topics. Information is also available on the Institute's/Center's home page: *http://orwh.od.nih.gov/about/acrwh/index.asp* where an agenda and any additional information for the meeting will be posted when available.

Place: National Institutes of Health, Building 1, Wilson Hall, 1 Center Drive, Bethesda, MD 20892.

Contact Person: Elizabeth Spencer, RN, Deputy Director, Office of Research on Women's Health, Executive Secretary, ACRWH, 6707 Democracy Blvd., Bethesda, MD 20817, 301–402–1770, *Elizabeth.spencer@nih.gov*.

The Office of Research on Women's Health (ORWH) is updating the NIH Strategic Plan for Women's Health Research for the period 2018 to 2022. Considerable advancements in science make it prudent to update the existing strategic plan *https://orwh.od.nih.gov/research/strategic-plan/* to reflect progress in research on the women's health as well as new challenges. Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *https://orwh.od.nih.gov/,* where an agenda and any additional information for the meeting will be posted when available.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: August 16, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–17667 Filed 8–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0768]

Merchant Marine Personnel Advisory Committee

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The Merchant Marine Personnel Advisory Committee and its Working Groups will meet to discuss various issues related to the training and fitness of merchant marine personnel. The meetings will be open to the public.

DATES: The Merchant Marine Personnel Advisory Committee and its Working Groups are scheduled to meet on Thursday, September 14, 2017, from 8 a.m. until 5:30 p.m., and the full Committee is scheduled to meet on Friday September 15, 2017, from 8 a.m. until 5:30 p.m. Please note that these meetings may adjourn early if the Committee has completed its business.

ADDRESSES: The meetings will be held at Seattle University, in the Bannan Auditorium, 901 12th Avenue, Seattle, WA 98122–1090 (*https://www.seattleu.edu/*).

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the Alternate Designated Federal Officer as soon as possible using the contact information provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Instructions: You are free to submit comments at any time, including orally at the meetings, but if you want Committee members to review your comment before the meetings, please submit your comments no later than September 6, 2017. We are particularly interested in comments on the issues in the ''Agenda'' section below. You must include ''Department of Homeland Security'' and the docket number USCG–2017–0768. Written comments may also be submitted using the Federal eRulemaking Portal at *http://www.regulations.gov*. If you encounter technical difficulties with comments submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section below. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review the Privacy and Security Notice for the Federal Docket Management System at *https://www.regulations.gov/privacyNotice*.

Docket Search: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov,* type USCG–2017–0768 in the ''Search'' box, press Enter, and then click on the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade James Fortin, Alternate Designated Federal Officer of the Merchant Marine Personnel Advisory Committee, 2703 Martin Luther King Jr. Ave. SE., Stop 7509, Washington, DC 20593–7509, telephone 202–372–1128, fax 202–372–8385 or *james.l.fortin@uscg.mil*.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given pursuant to the *Federal Advisory Committee Act,* Title 5 United States Code Appendix.

The Merchant Marine Personnel Advisory Committee was established under authority of section 310 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014, codified at Title 46, United States Code, section 8108, and chartered under the provisions of the Federal Advisory Committee Act, (Title 5, United States Code, Appendix). The Committee acts solely in an advisory capacity to the Secretary of the Department of Homeland Security through the Commandant of the U.S. Coast Guard on matters relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards and other matters as assigned by the Commandant. The Committee shall also review and comment on proposed U.S. Coast Guard regulations and policies relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards; may be given special assignments by the Secretary, and may conduct studies, inquiries, workshops, and fact finding in consultation with individuals and groups in the private sector and with State or local governments; and shall advise, consult with, and make recommendations reflecting its independent judgment to the Secretary.

Agenda

Day 1

The agenda for the September 14, 2017, meeting is as follows:

(1) The full Committee will meet briefly to discuss the Working Groups' business/task statements, which are listed under paragraph 3(a)–(g) below.

(2) Public comment period.

(3) Working Groups will separately address the following task statements which are available for viewing at *https://homeport.uscg.mil/merpac:*

(a) Task Statement 87, Review of policy documents providing guidance on the implementation of the December 24, 2013, International Convention on Standards of Training, Certification and Watchkeeping for Seafarers rulemaking;

(b) Task Statement 89, Review and update of the International Maritime Organization's Maritime Safety Committee Circular MSC.1014, ''Guidelines on Fatigue Mitigation and Management'';

(c) Task Statement 96, Review and comment on the course and program approval requirements including 46 CFR 10.402, 10.403, 10.407 and Navigation and Vessel Inspection Circular 03–14 guidelines for approval of training courses and programs;

(d) Task Statement 98, Continue the progress made by the military services towards meeting the goals on the use of Military Education, Training and Assessment for STCW and National Mariner Endorsements as identified in the Howard Coble Coast Guard and Maritime Transportation Act of 2014 and subsequent legislation;

(e) Task Statement 99, Review and comment on the ''Guidelines for Issuing Endorsement for Tankerman PIC Restricted to Fuel Transfers on Towing Vessels'' policy letter (CG–MMC Policy Letter No. 01–17);

(f) Task Statement 101, Provide feedback and avenues to further enhance open communication between external stakeholders and the U.S. Coast Guard's mariner credentialing program regarding all aspects of the program;

(g) Task Statement 102, Consider and make recommendations regarding the current requirement for a U.S. Merchant Mariner to read and write using English;

(h) Task Statement 103, Input to Support Regulatory Reform of Coast Guard Regulations—Executive Orders 13771 and 13783.

(4) Reports of Working Groups. At the end of the day, the Working Groups will report to the full Committee on what was accomplished in their meetings. The full Committee will not take action on these reports on this date. Any official action taken as a result of these Working Group meetings will be taken on day two of the meeting.

(5) Public comment period.

(6) Adjournment of meeting.

Day 2

The agenda for the September 15, 2017, full Committee meeting is as follows:

(1) Introduction.

(2) Swear in newly appointed Committee members.

(3) Remarks from U.S. Coast Guard Leadership.

(4) Designated Federal Officer announcements.

(5) Roll call of Committee members and determination of a quorum.

(6) Reports from the following Working Groups:

(a) Task Statement 87, Review of policy documents providing guidance on the implementation of the December 24, 2013, International Convention on Standards of Training, Certification and Watchkeeping for Seafarers rulemaking;

(b) Task Statement 89, Review and update of the International Maritime Organization's Maritime Safety Committee Circular MSC.1014, ''Guidelines on Fatigue Mitigation and Management'';

(c) Task Statement 96, Review and comment on the course and program approval requirements including 46 CFR 10.402, 10.403, 10.407 and Navigation and Vessel Inspection Circular 03–14 guidelines for approval of training courses and programs;

(d) Task Statement 98, continue the progress made by the military services towards meeting the goals on the use of Military Education, Training and Assessment for STCW and National Mariner Endorsements as identified in the Howard Coble Coast Guard and Maritime Transportation Act of 2014 and subsequent legislation;

(e) Task Statement 99, Review and comment on the ''Guidelines for Issuing Endorsement for Tankerman PIC Restricted to Fuel Transfers on Towing Vessels'' policy letter (CG–MMC Policy Letter No. 01–17);

(f) Task Statement 101, Provide feedback and avenues to further enhance open communication between external stakeholders and the U.S. Coast Guard's mariner credentialing program regarding all aspects of the program;

(g) Task Statement 102, consider and make recommendations regarding the current requirement for a U.S. Merchant Mariner to read and write using English;

(h) Task Statement 103, Input to Support Regulatory Reform of Coast Guard Regulations-Executive Orders 13771 and 13783.

(7) Other items for discussion:

(a) Report on the Implementation of the 2010 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping;

(b) Report on National Maritime Center activities from the National Maritime Center Commanding Officer, such as the net processing time it takes for mariners to receive their credentials after application submittal;

(c) Report on Mariner Credentialing Program Policy Division activities, such as its current initiatives and projects;

(d) Report on International Maritime Organization/International Labor Organization issues related to the merchant marine industry; and

(e) Briefings about on-going U.S. Coast Guard projects related to personnel in the U.S. merchant marine.

(8) Public comment period.

(9) Discussion of Working Group recommendations.

The Committee will review the information presented on each issue, deliberate on any recommendations presented by the Working Groups, and approve/formulate recommendations. Official action on these recommendations may be taken on this date.

(10) Closing remarks/plans for next meeting.

(11) Adjournment of meeting.

A public comment period will be held during each Working Group and full Committee meeting concerning matters being discussed.

A copy of all meeting documentation will be available at *https://homeport.uscg.mil/merpac* no later than September 4, 2017. Alternatively, you may contact Lieutenant Junior Grade James Fortin as noted in the **FOR FURTHER INFORMATION** section above.

Public comments will be limited to three minutes per speaker. Please note that the public comment periods will end following the last call for comments. Please contact Lieutenant Junior Grade James Fortin, listed in the **FOR FURTHER INFORMATION CONTACT** section, to register as a speaker.

Please note that the meeting may adjourn early if the work is completed.

Dated: August 15, 2017.

Jeffrey G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2017–17693 Filed 8–21–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0734]

Navigation Safety Advisory Council; Vacancies

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Request for applications.

SUMMARY: The U. S. Coast Guard seeks applications for membership on the Navigation Safety Advisory Council.

The Navigation Safety Advisory Council provides advice and recommendations to the Secretary of Homeland Security, through the Commandant of the U.S. Coast Guard, on matters relating to maritime collisions, rammings, and groundings; Inland Rules of the Road; International Rules of the Road; navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems.

DATES: Completed applications should be submitted to the U. S. Coast Guard on or before October 23, 2017.

ADDRESSES: Applicants should send a cover letter expressing interest in an appointment to the Navigation Safety Advisory Council that also identifies which membership category the applicant is applying under, along with a resume detailing the applicant's experience via one of the following methods:

- By *Email: George.H.Detweiler@uscg.mil,* Subject line: The Navigation Safety Advisory Council;
- *By Fax:* 202–372–1991 ATTN: Mr. George Detweiler, Alternate Designated Federal Officer; or
- *By Mail:* Commandant (CG–NAV–2)/NAVSAC Attn: Mr. George Detweiler, Alternate Designated Federal Officer, Commandant (CG–NAV–2), U.S. Coast Guard 2703 Martin Luther King Avenue SE., STOP 7418, Washington, DC 20593–7418

FOR FURTHER INFORMATION CONTACT: Mr. George Detweiler, Alternate Designated Federal Officer of the Navigation Safety Advisory Council; 202–372–1566 or email at *George.H.Detweiler@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Navigation Safety Advisory Council is a federal advisory committee authorized by 33 U.S.C. 2073 and chartered under the provisions of the Federal Advisory Committee Act, (Title 5, U.S.C., Appendix).

The Navigation Safety Advisory Council provides advice and recommendations to the Secretary, through the Commandant of the U.S. Coast Guard, on matters relating to maritime collisions, rammings, and groundings; Inland Rules of the Road; International Rules of the Road; navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems.

The Navigation Safety Advisory Council normally meets twice a year. All members serve at their own expense and receive no salary or other

compensation from the Federal Government. The only exception to this policy is when attending the Navigation Safety Advisory Council meetings; members may be reimbursed for travel and expenses and provided per diem in accordance with Federal Travel Regulations.

The Coast Guard will consider applications for seven positions that will be vacant on November 4, 2017, in the following membership categories only:

a. Commercial vessel owners and operators;

b. Professional mariners;

c. Recreational boaters;

d. The recreational boating industry; and

e. The Maritime Law Association.

Each member will be appointed to represent the viewpoints and interests of one of the groups or organizations, and at least one member will be appointed to represent each membership category. All members serve as representatives and are not Special Government Employees as defined in Section 202(a), Title 18, U.S.C.

To be eligible, you should have experience in one of the categories listed above. Members serve terms of office of up to three (3) years. Members may be considered to serve up to two (2) consecutive terms. In the event the Navigation Safety Advisory Council terminates, all appointments to the Council terminate.

The Department of Homeland Security does not discriminate in selection of Council members on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disabilities and genetic information, age, membership in an employee organization, or any other non-merit factor. The Department of Homeland Security strives to achieve a widely diverse candidate pool for all of its recruitment actions.

If you are interested in applying to become a member of the Council, send your cover letter and resume to

Mr. George Detweiler, the Navigation Safety Advisory Council, Alternate Designated Federal Officer via one of

the transmittal methods in the **ADDRESSES** section by the deadline in the **DATES** section of this notice. All email submittals will receive email receipt confirmation.

Dated: August 16, 2017.

Michael D. Emerson,

Director, Marine Transportation Systems.

[FR Doc. 2017–17749 Filed 8–21–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0767]

Merchant Mariner Medical Advisory Committee

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The Merchant Mariner Medical Advisory Committee and its Working Groups will meet to discuss matters relating to medical certification determinations for issuance of licenses, certificates of registry, and merchant mariners' documents, medical standards and guidelines for the physical qualifications of operators of commercial vessels, medical examiner education, and medical research. The meetings will be open to the public.

DATES: The Merchant Mariner Medical Advisory Committee and its Working Groups are scheduled to meet on Tuesday, September 12, 2017, and Wednesday, September 13, 2017, from 8 a.m. until 5:30 p.m. Please note that these meetings may adjourn early if the Committee has completed its business.

ADDRESSES: The meetings will be held at Seattle University, in the Bannan Auditorium, 901 12th Avenue, Seattle, WA 98122–1090 (*https://www.seattleu.edu/*).

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the Alternate Designated Federal Officer as soon as possible using the contact information provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Instructions: You are free to submit comments at any time, including orally at the meetings, but if you want Committee members to review your comment before the meetings, please submit your comments no later than September 6, 2017. We are particularly interested in comments on the issues in the ''Agenda'' section below. You must include ''Department of Homeland Security'' and the docket number USCG–2017–0767. Written comments may also be submitted using the Federal eRulemaking Portal at *http://www.regulations.gov*. If you encounter technical difficulties with comments submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section below. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review the Privacy and Security Notice for the Federal Docket Management System at *https://www.regulations.gov/privacyNotice*.

Docket Search: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov,* type USCG–2017–0767 in the ''Search'' box, press Enter, and then click on the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade James Fortin, Alternate Designated Federal Officer of the Merchant Mariner Medical Advisory Committee, 2703 Martin Luther King Jr. Ave. SE., Stop 7509, Washington, DC 20593–7509, telephone 202–372–1128, fax 202–372–8385 or *james.l.fortin@uscg.mil*.

SUPPLEMENTARY INFORMATION: Notice of this meeting is pursuant with the *Federal Advisory Committee Act,* Title 5 United States Code Appendix.

The Merchant Mariner Medical Advisory Committee Meeting is authorized by section 210 of the U.S. Coast Guard Authorization Act of 2010 (Pub. L. 111–281, codified at 46 United States Code 7115). The Committee advises the Secretary on matters related to (a) medical certification determinations for issuance of licenses, certificates of registry, and merchant mariners' documents; (b) medical standards and guidelines for the physical qualifications of operators of commercial vessels; (c) medical examiner education; and (d) medical research.

Agenda

Day 1

The agenda for the September 12, 2017, meeting is as follows:

(1) Opening remarks from the Designated Federal Officer.

(2) Opening remarks from U.S. Coast Guard leadership.

(3) Roll call of Committee members and determination of a quorum.

(4) Public comment period.

(5) Working Groups will separately address the following task statements which are available for viewing at *https://homeport.uscg.mil/medmac*.

(a) Task statement 15–13, Mariner Occupational Health Risk Study Analysis. This is a joint task statement with the Merchant Marine Personnel Advisory Committee;

(b) Task statement 16–24, requesting recommendations on appropriate diets and wellness for mariners while aboard merchant vessels;

(c) Task statement 17–25, requesting recommendations on functions that would be useful to the mariner, ashore and afloat regarding their medical certification;

(d) Task statement 17–26, Input to Support Regulatory Reform of Coast Guard Regulations—Executive Orders 13771 and 13783.

(e) The Committee may receive new task statements from the U.S. Coast Guard, review the information presented on each issue, deliberate and formulate recommendations for the Department's consideration.

(7) Adjournment of meeting.

Day 2

The agenda for the September 13, 2017, meeting is as follows:

(1) Committee work update.

(2) Merchant Mariner Credentialing brief.

(3) National Maritime Center brief.

(4) Marine casualty data analysis presentation.

(5) Continue work on task statements.

(6) Public comment period.

(7) By mid-afternoon, the Working Groups will report, and if applicable, make recommendations for the full Committee to consider for presentation to the U.S. Coast Guard. The Committee may deliberate and vote on the Working Group's recommendations on this date. The public will have an opportunity to speak after each Working Group's Report before the full Committee takes any action on each report.

(8) Closing remarks/plans for next meeting.

(9) Adjournment of Meeting.

A public comment period will be held on September 12, 2017, from approximately 11:30 a.m.–12 p.m. and September 13, 2017, from approximately 2:15 p.m.–2:45 p.m.

A copy of all meeting documentation will be available at *https://homeport.uscg.mil/medmac* no later than September 4, 2017. Alternatively, you may contact Lieutenant Junior Grade James Fortin as noted in the **FOR FURTHER INFORMATION** section above.

Public comments will be limited to 5 minutes per speaker. Please note that the public comment periods will end following the last call for comments. Contact Lieutenant Junior Grade James Fortin as indicated in the **FOR FURTHER INFORMATION CONTACT** section of this document to register as a speaker.

Please note that the meeting may adjourn early if the work is completed.

Dated: August 15, 2017.

Jeffrey G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2017–17694 Filed 8–21–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc. Pittsburgh, PA, as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc. Pittsburgh, PA, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of April 26, 2016.

DATES: Intertek USA, Inc. was accredited and approved, as a commercial gauger and laboratory as of April 26, 2016. The next triennial inspection date will be scheduled for April 2019.

FOR FURTHER INFORMATION CONTACT: Dr. Justin Shey, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., 105 Merchant Lane, Pittsburgh, PA 15205, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Intertek USA, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
9	Density Determination.
12	Calculations.
17	Maritime Measurement.

Intertek USA, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–04	D 95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27–06	D 473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–08	D 86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27–11	D 445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27–13	D 4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-ray Fluorescence Spectrometry.
27–48	D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27–54	D 1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method (Laboratory Procedure).
27–58	D 5191	Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please

reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: August 15, 2017.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2017–17765 Filed 8–21–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or email *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: July 13, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Alaska:					
Fairbanks North Star Borough (FEMA Docket No.: B–1669).	Fairbanks North Star Borough (16–10–1346P).	The Honorable Karl Kassel, Mayor, Fairbanks North Star Borough, P.O. Box 71267, Fairbanks, AK 99707.	Department of Community Planning Borough Administrative Center, 809 Pioneer Road, Fairbanks, AK 99701.	Mar. 3, 2017	025009
Kenai Peninsula Borough (FEMA Docket No.: B–1702).	City of Homer (17–10–0041P).	The Honorable Bryan Zak, Mayor, City of Homer, 2525 Sterling Highway, Homer, AK 99603.	City of Homer Planning and Zoning Office, 491 East Pioneer Avenue, Homer, AK 99603.	Mar. 31, 2017	020107
Arizona:					
Maricopa (FEMA Docket No.: B–1669).	City of Chandler (16–09–2684P).	The Honorable Jay Tibshraeny, Mayor, City of Chandler, City Hall, 175 South Arizona Avenue, Chandler, AZ 85225.	Public Works Department, 215 East Buffalo Street, Chandler, AZ 85244.	Mar. 10, 2017	040040
Maricopa (FEMA Docket No.: B–1669).	City of Scottsdale (16–09–1225P).	The Honorable W.J. ''Jim'' Lane, Mayor, City of Scottsdale, 3939 North Drinkwater Boulevard, Scottsdale, AZ 85251.	Planning Records, 7447 East Indian School Road, Suite 100, Scottsdale, AZ 85251.	Mar. 23, 2017	045012
Maricopa (FEMA Docket No.: B–1702).	City of Surprise (16–09–1336P).	The Honorable Sharon Wolcott, Mayor, City of Surprise, 16000 North Civic Center Plaza, Surprise, AZ 85374.	Public Works Department, 16000 North Civic Center Plaza, Surprise, AZ 85374.	Apr. 14, 2017	040053

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Maricopa (FEMA Docket No.: B–1669).	Town of Gilbert (16–09–2684P).	The Honorable Jenn Daniels, Mayor, Town of Gilbert, 50 East Civic Center Drive, Gilbert, AZ 85296.	Municipal Center, 50 East Civic Center Drive, Gilbert, AZ 85296.	Mar. 10, 2017	040044
Maricopa (FEMA Docket No.: B–1669).	Town of Wickenburg (16–09–1385P).	The Honorable John Cook, Mayor, Town of Wickenburg, 155 North Tegner Street, Suite A, Wickenburg, AZ 85390.	Town Hall, 155 North Tegner Street, Wickenburg, AZ 85390.	Mar. 17, 2017	040056
Maricopa (FEMA Docket No.: B–1669).	Unincorporated Areas of Maricopa County (16–09–1225P).	The Honorable Clint L. Hickman, Chairman, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	Mar. 23, 2017	040037
Maricopa (FEMA Docket No.: B–1669).	Unincorporated Areas of Maricopa County (16–09–1385P).	The Honorable Clint L. Hickman, Chairman, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	Mar. 17, 2017	040037
Pima (FEMA Docket No.: B–1669).	City of Tucson (16–09–0670P).	The Honorable Jonathan Rothschild, Mayor, City of Tucson, City Hall, 255 West Alameda Street, 10th Floor, Tucson, AZ 85701.	Planning and Development Services, 201 North Stone Avenue, 1st Floor, Tucson, AZ 85701.	Mar. 3, 2017	040076
Pima (FEMA Docket No.: B–1669).	Town of Marana (16–09–1535P).	The Honorable Ed Honea, Mayor, Town of Marana, 11555 West Civic Center Drive, Marana, AZ 85653.	Pima County Flood Control District, 201 North Stone Avenue, 9th Floor, Tucson, AZ 85701.	Mar. 14, 2017	040118
Pima (FEMA Docket No.: B–1702).	Unincorporated Areas of Pima County (16–09–1770P).	The Honorable Sharon Bronson, Chair, Board of Supervisors, Pima County, 130 West Congress Street, 11th Floor, Tucson, AZ 85701.	Pima County Flood Control District, 201 North Stone Avenue, 9th Floor, Tucson, AZ 85701.	Mar. 21, 2017	040073
Pima (FEMA Docket No.: B–1702).	Unincorporated Areas of Pima County (16–09–1863P).	The Honorable Sharon Bronson, Chair, Board of Supervisors, Pima County, 130 West Congress Street, 11th Floor, Tucson, AZ 85701.	Pima County Flood Control District, 201 North Stone Avenue, 9th Floor, Tucson, AZ 85701.	Apr. 4, 2017	040073
Pinal (FEMA Docket No.: B–1702).	City of Coolidge (16–09–1229P).	The Honorable Jon Thompson, Mayor, City of Coolidge, 130 West Central Avenue, Coolidge, AZ 85228.	City Hall, 130 West Central Avenue, Coolidge, AZ 85228.	May 4, 2017	040082
Pinal (FEMA Docket No.: B–1702).	Unincorporated Areas of Pinal County (16–09–1229P).	The Honorable Cheryl Chase, Chair, Board of Supervisors, Pinal County, 135 North Pinal Street, Florence, AZ 85132.	Pinal County Engineering Department, 31 North Pinal Street, Building F, Florence, AZ 85132.	May 4, 2017	040077
California:					
Orange (FEMA Docket No.: B–1669).	City of Mission Viejo (16–09–1691P).	The Honorable Frank Ury, Mayor, City of Mission Viejo, 200 Civic Center, Mission Viejo, CA 92691.	City Hall, 200 Civic Center, Mission Viejo, CA 92691.	Mar. 20, 2017	060735
Placer (FEMA Docket No.: B–1669).	City of Rocklin (16–09–1095P).	The Honorable Greg Janda, Mayor, City of Rocklin, 3970 Rocklin Road, Rocklin, CA 95677.	Engineering Department, 3970 Rocklin Road, Rocklin, CA 95677.	Mar. 10, 2017	060242
Placer (FEMA Docket No.: B–1669).	Town of Loomis (16–09–1095P).	The Honorable Brian Baker, Mayor, Town of Loomis, 3665 Taylor Road, Loomis, CA 95650.	Town Hall, 3665 Taylor Road, Loomis, CA 95650.	Mar. 10, 2017	060721
Riverside (FEMA Docket No.: B–1669).	City of Moreno Valley (16–09–2170P).	The Honorable Yxstian Gutierrez, Mayor, City of Moreno Valley, 14177 Frederick Street, Moreno Valley, CA 92553.	Public Works Department, 14177 Frederick Street, Moreno Valley, CA 92553.	Mar. 6, 2017	065074
Riverside (FEMA Docket No.: B–1669).	City of Riverside (16–09–2070P).	The Honorable Rusty Bailey, Mayor, City of Riverside, 3900 Main Street, Riverside, CA 92501.	Planning and Building Department, 3900 Main Street, Riverside, CA 92501.	Mar. 20, 2017	060260
Riverside (FEMA Docket No.: B–1669).	Unincorporated Areas of Riverside County (16–09–2070P).	The Honorable John Benoit, Chairman, Board of Supervisors, Riverside County, 4080 Lemon Street, 5th Floor, Riverside, CA 92501.	Riverside County Flood Control and Water Conservation District, 1995 Market Street, Riverside, CA 92502.	Mar. 20, 2017	060245
San Benito (FEMA Docket No.: B–1669).	City of Hollister (16–09–0929P).	The Honorable Ignacio Velazquez, Mayor, City of Hollister, 375 5th Street, Hollister, CA 95023.	City Hall, 375 5th Street, Hollister, CA 95023.	Feb. 27, 2017	060268
San Benito (FEMA Docket No.: B–1669).	Unincorporated Areas of San Benito County (16–09–0929P).	The Honorable Robert Rivas, Chairman, Board of Supervisors, San Benito County, 481 4th Street, 1st Floor, Hollister, CA 95023.	San Benito County Planning Department, 2301 Technology Parkway, Hollister, CA 95023.	Feb. 27, 2017	060267
San Diego (FEMA Docket No.: B–1702).	City of Escondido (16–09–2974P).	The Honorable Sam Abed, Mayor, City of Escondido, 201 North Broadway, Escondido, CA 92025.	City Hall, 201 North Broadway, Escondido, CA 92025.	Apr. 18, 2017	060290
San Diego (FEMA Docket No.: B–1702).	City of Oceanside (16–09–1302P).	The Honorable Jim Wood, Mayor, City of Oceanside, 300 North Coast Highway, Oceanside, CA 92054.	City Hall, 300 North Coast Highway, Oceanside, CA 92054.	Apr. 13, 2017	060294
San Diego (FEMA Docket No.: B–1702).	Unincorporated Areas of San Diego County (16–09–1695P).	The Honorable Ron Roberts, Chairman, Board of Supervisors, San Diego County, 1600 Pacific Highway, Room 335, San Diego, CA 92101.	Department of Public Works, Flood Control, 5510 Overland Avenue, Suite 410, San Diego, CA 92123.	Mar. 28, 2017	060284

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
San Diego (FEMA Docket No.: B–1702).	Unincorporated Areas of San Diego County (16–09–2974P).	The Honorable Ron Roberts, Chairman, Board of Supervisors, San Diego County, 1600 Pacific Highway, Room 335, San Diego, CA 92101.	Department of Public Works, Flood Control, 5510 Overland Avenue, Suite 410, San Diego, CA 92123.	Apr. 18, 2017	060284
San Joaquin (FEMA Docket No.: B–1702).	City of Lathrop (16–09–1660P).	The Honorable Sonny Dhaliwal, Mayor, City of Lathrop, 390 Towne Center Drive, Lathrop, CA 95330.	City Hall, 390 Towne Center Drive, Lathrop, CA 95330.	Apr. 19, 2017	060738
San Joaquin (FEMA Docket No.: B–1702).	Unincorporated Areas of San Joaquin County (16–09–2052P).	The Honorable Moses Zapien, Chairman, Board of Supervisors, San Joaquin County, 44 North San Joaquin Street, Suite 627, Stockton, CA 95202.	San Joaquin County, Stockton Courthouse, 222 East Weber Avenue, Stockton, CA 95202.	Apr. 14, 2017	060299
Santa Clara (FEMA Docket No.: B–1669).	City of Milpitas (16–09–1351P).	The Honorable Jose Esteves, Mayor, City of Milpitas, City Hall, 455 East Calaveras Boulevard, Milpitas, CA 95035.	Engineering Division, 455 East Calaveras Boulevard, Milpitas, CA 95035.	Feb. 21, 2017	060344
Ventura (FEMA Docket No.: B–1702).	Unincorporated Areas of Ventura County (16–09–2395P).	The Honorable Kathy I. Long, Chair, Board of Supervisors, Ventura County, 800 South Victoria Avenue, Ventura, CA 93009.	Ventura County Hall of Administration, 800 South Victoria Avenue, Ventura, CA 93009.	May 4, 2017	060413
Colorado:					
Boulder (FEMA Docket No.: B–1669).	Town of Jamestown (16–08–0630P).	The Honorable Tara Schoedinger, Mayor, Town of Jamestown, P.O. Box 298, Jamestown, CO 80455.	Town Hall, 118 Main Street, Jamestown, CO 80455.	Feb. 23, 2017	080216
Boulder (FEMA Docket No.: B–1669).	Unincorporated Areas of Boulder County (16–08–0630P).	The Honorable Elise Jones, Chair, Boulder County Commissioners, P.O. Box 471, Boulder, CO 80306.	Boulder County Transportation Department, 2525 13th Street, Suite 203, Boulder, CO 80306.	Feb. 23, 2017	080023
Hawaii:					
Maui (FEMA Docket No.: B–1669).	Maui County (16–09–0721P).	The Honorable Alan M. Arakawa, Mayor, County of Maui, 200 South High Street, Kalana O Maui Building, 9th Floor, Wailuku, HI 96793.	County of Maui Planning Department, 2200 Main Street, Suite 315, Wailuku, HI 96793.	Mar. 14, 2017	150003
Maui (FEMA Docket No.: B–1702).	Maui County (16–09–2405P).	The Honorable Alan M. Arakawa, Mayor, Maui County, 200 South High Street, Kalana O Maui Building, 9th Floor, Wailuku, HI 96793.	County of Maui Planning Department, 2200 Main Street, Suite 315, Wailuku, HI 96793.	Apr. 27, 2017	150003
Idaho: Ada (FEMA Docket No.: B–1669)	City of Eagle (16–10–1265P).	The Honorable Stan Ridgeway, Mayor, City of Eagle, P.O. Box 1520, Eagle, ID 83616.	City Hall, 310 East State Street, Eagle, ID 83616.	Mar. 23, 2017	160003
Illinois:					
Adams (FEMA Docket No.: B–1662).	Unincorporated Areas of Adams County (16–05–1107P).	The Honorable Les Post, Chairman, Adams County Board, Adams County Courthouse, 101 North 54th Street, Quincy, IL 62305.	Adams County Courthouse, 101 North 54th Street, Quincy, IL 62305.	Jan. 3, 2017	170001
Cook (FEMA Docket No.: B–1662).	City of Countryside (15–05–6492P).	The Honorable Sean R. McDermott, Mayor, City of Countryside, 5550 East Avenue, Countryside, IL 60525.	Building Department, 5550 East Avenue, Countryside, IL 60525.	Dec. 30, 2016	170079
Cook (FEMA Docket No.: B–1662).	Unincorporated Areas of Cook County (15–05–6492P).	The Honorable Toni Preckwinkle, President, Cook County Board of Commissioners, 118 North Clark Street, Room 537, Chicago, IL 60602.	Cook County Building and Zoning Department, 69 West Washington Street, 21st Floor, Chicago, IL 60602.	Dec. 30, 2016	170054
Cook (FEMA Docket No.: B–1662).	Village of La Grange (15–05–6492P).	The Honorable Thomas E. Livingston, Village President, Village of La Grange, 53 South La Grange Road, La Grange, IL 60525.	Village Hall, 53 South La Grange Road, La Grange, IL 60525.	Dec. 30, 2016	170114
Cook (FEMA Docket No.: B–1669).	Village of Westchester (16–05–5494P).	The Honorable Sam D. Pulia, Village President, Village of Westchester, 10300 West Roosevelt Road, Westchester, IL 60154.	Building Department, 10300 West Roosevelt Road, Westchester, IL 60154.	Mar. 16, 2017	170170
La Salle (FEMA Docket No.: B–1669).	City of Peru (16-05-4827P).	The Honorable Scott J. Harl, Mayor, City of Peru, 1901 4th Street, Peru, IL 61354.	City Hall, 1901 4th Street, Peru, IL 61354.	Mar. 16, 2017	170406
McLean (FEMA Docket No.: B–1702).	Unincorporated Areas of McLean County (15–05–5246P).	The Honorable John McIntyre, Chairman, McLean County Board, 115 East Washington Street, Room 401, Bloomington, IL 61701.	McLean County Building and Zoning Department, 115 East Washington Street, Room M102, Bloomington, IL 61701.	Apr. 28, 2017	170931
Will (FEMA Docket No.: B–1669).	City of Lockport (16–05–6547P).	The Honorable Steven Streit, Mayor, City of Lockport, 222 East 9th Street, Lockport, IL 60441.	Public Works and Engineering, 17112 South Prime Boulevard, Lockport, IL 60441.	Mar. 17, 2017	170703
Indiana: Allen (FEMA Docket No.: B–1669)	City of Fort Wayne (16–05–3584P).	The Honorable Tom Henry, Mayor, City of Fort Wayne, 200 East Berry Street, Suite 420, Fort Wayne, IN 46802.	Department of Planning Services, 200 East Berry Street, Suite 150, Fort Wayne, IN 46802.	Mar. 10, 2017	180003
Iowa:					
Woodbury (FEMA Docket No.: B–1702).	City of Sioux City (16–07–1823P).	The Honorable Bob Scott, Mayor, City of Sioux City, P.O. Box 447, Sioux City, IA 51102.	City Hall, Planning Division, 405 6th Street, Sioux City, IA 51102.	Apr. 7, 2017	190298

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Woodbury (FEMA Docket No.: B–1702).	Unincorporated Areas of Woodbury County (16–07–1823P).	Mr. Jeremy Taylor, Woodbury County Chairperson, 620 Douglas Street, Room 104, Sioux City, IA 51101.	Woodbury County Courthouse, Office of Planning and Zoning, 620 Douglas Street, Sioux City, IA 51101.	Apr. 7, 2017	190536
Kansas:					
Pottawatomie (FEMA Docket No.: B–1669).	Unincorporated Areas of Pottawatomie County (16–07–1702P).	The Honorable Robert Reece, County Administrator, Pottawatomie County, 207 North 1st Street, Westmoreland, KS 66549.	County Office Building, 207 North 1st Street, Westmoreland, KS 66549.	Mar. 10, 2017	200621
Riley (FEMA Docket No.: B–1669).	City of Manhattan (16–07–0749P).	The Honorable Usha Reddi, Mayor, City of Manhattan, 1101 Poyntz Avenue, Manhattan, KS 66502.	City Hall, 1101 Poyntz Avenue, Manhattan, KS 66502.	Feb. 17, 2017	200300
Riley (FEMA Docket No.: B–1669).	City of Manhattan (16–07–1702P).	The Honorable Usha Reddi, Mayor, City of Manhattan, 1101 Poyntz Avenue, Manhattan, KS 66502.	City Hall, 1101 Poyntz Avenue, Manhattan, KS 66502.	Mar. 10, 2017	200300
Riley (FEMA Docket No.: B–1669).	Unincorporated Areas of Riley County (16–07–0749P).	The Honorable Ben Wilson, Chair, Riley County Commissioner, 2488 Woodside Lane, Manhattan, KS 66503.	Riley County Office Building, 110 Courthouse Plaza, Manhattan, KS 66502.	Feb. 17, 2017	200298
Michigan:					
Bay (FEMA Docket No.: B–1702).	City of Bay City (16–05–5551P).	The Honorable Kathleen L. Newsham, Mayor, City of Bay City, 409 North Linn Street, Bay City, MI 48706.	City Hall, 301 Washington Avenue, Bay City, MI 48708.	Mar. 10, 2017	260020
Macomb (FEMA Docket No.: B–1669).	Charter Township of Clinton (16–05–3582P).	The Honorable Bob Cannon, Township Supervisor, Clinton Township, 40700 Romeo Plank Road, Clinton Township, MI 48038.	City Hall, 40700 Romeo Plank Road, Clinton Township, MI 48038.	Feb. 9, 2017	260121
Macomb (FEMA Docket No.: B–1669).	City of Sterling Heights (16–05–3582P).	The Honorable Michael C. Taylor, Mayor, City of Sterling Heights, 40555 Utica Road, Sterling Heights, MI 48313.	City Hall, 40555 Utica Road, Sterling Heights, MI 48313.	Feb. 9, 2017	260128
Minnesota:					
Anoka (FEMA Docket No.: B–1669).	City of Blaine (16–05–6101P).	The Honorable Thomas Ryan, Mayor, City of Blaine, 12147 Radisson Road, Northeast Blaine, MN 55449.	City Hall Offices, 10801 Town Square Drive, Northeast Blaine, MN 55449.	Mar. 3, 2017	270007
Mower (FEMA Docket No.: B–1669).	City of Austin (16–05–4681P).	The Honorable Tom Stiehm, Mayor, City of Austin, 500 4th Avenue Northeast, Austin, MN 55912.	City Hall, 500 4th Avenue Northeast, Austin, MN 55912.	Feb. 22, 2017	275228
St. Louis (FEMA Docket No.: B–1669).	City of Duluth (16–05–5620P).	The Honorable Emily Larson, Mayor, City of Duluth, 411 West 1st Street, Room 402, Duluth, MN 55802.	City Hall, 411 West 1st Street, Room 201, Duluth, MN 55802.	Mar. 22, 2017	270421
Missouri: St. Louis (FEMA Docket No.: B–1669)	City of Chesterfield (16–07–1325P).	The Honorable Bob Nation, Mayor, City of Chesterfield, 690 Chesterfield Parkway West, Chesterfield, MO 63017.	City Hall, 690 Chesterfield Parkway West, Chesterfield, MO 63017.	Mar. 9, 2017	290896
Nevada:					
Clark (FEMA Docket No.: B–1669).	City of Henderson (16–09–1303P).	The Honorable Andy A. Hafen, Mayor, City of Henderson, City Hall, 240 South Water Street, Henderson, NV 89015.	Public Works Department, 240 South Water Street, Henderson, NV 89015.	Feb. 28, 2017	320005
Clark (FEMA Docket No.: B–1669).	City of Henderson (16–09–2671P).	The Honorable Andy A. Hafen, Mayor, City of Henderson, City Hall, 240 South Water Street, Henderson, NV 89015.	Public Works Department, 240 South Water Street, Henderson, NV 89015.	Mar. 7, 2017	320005
Clark (FEMA Docket No.: B–1669).	City of Henderson (16–09–2725P).	The Honorable Andy A. Hafen, Mayor, City of Henderson, City Hall, 240 South Water Street, Henderson, NV 89015.	Public Works Department, 240 South Water Street, Henderson, NV 89015.	Mar. 22, 2017	320005
Clark (FEMA Docket No.: B–1702).	City of Henderson (17–09–0011P).	The Honorable Andy A. Hafen, Mayor, City of Henderson, City Hall, 240 South Water Street, Henderson, NV 89015.	Public Works Department, 240 South Water Street, Henderson, NV 89015.	Apr. 28, 2017	320005
Clark (FEMA Docket No.: B–1669).	Unincorporated Areas of Clark County (16–09–1303P).	The Honorable Steve Sisolak, Chairman, Board of Supervisors, Clark County, 500 South Grand Central Parkway, 6th Floor, Las Vegas, NV 89106.	Office of the Director of Public Works, 500 South Grand Central Parkway, Las Vegas, NV 89155.	Feb. 28, 2017	320003
Elko (FEMA Docket No.: B–1702).	City of Elko (16–09–0367P).	The Honorable Chris J. Johnson, Mayor, City of Elko, 1751 College Avenue, Elko, NV 89801.	Development Department, 1755 College Avenue, Elko, NV 89801.	Apr. 3, 2017	320010
New York:					
Ulster (FEMA Docket No.: B–1662).	Town of Saugerties (16–02–1922P).	The Honorable Gregory Helsmoortel, Town Supervisor, Town of Saugerties, 4 High Street, Saugerties, NY 12477.	Town of Saugerties Town Hall, 4 High Street, Saugerties, NY 12477.	Apr. 5, 2017	360863
Ulster (FEMA Docket No.: B–1669).	Town of Ulster (16–02–1921P).	The Honorable James E. Quigley 3rd, Supervisor, Town of Ulster, 1 Town Hall Drive, Lake Katrine, NY 12449.	Town Hall, 1 Town Hall Drive, Lake Katrine, NY 12449.	Apr. 5, 2017	360866
Ohio:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Delaware (FEMA Docket No.: B–1669).	Unincorporated Areas of Delaware County (16–05–4340P).	The Honorable Barb Lewis, Delaware County Board of Commissioners, 101 North Sandusky Street, Delaware, OH 43015.	Code Compliance Building, 50 Channing Street, South Wing, Delaware, OH 43015.	Mar. 15, 2017	390146
Lucas (FEMA Docket No.: B–1702).	City of Toledo (16–05–5662P).	The Honorable Paula Hicks-Hudson, Mayor, City of Toledo, 1 Government Center, Suite 2200, Toledo, OH 43604.	Department of Inspection, 1 Government Center, Suite 1600, Toledo, OH 43604.	May 5, 2017	395373
Oregon: Washington (FEMA Docket No.: B–1702)	City of Beaverton (16–10–1547P).	The Honorable Denny Doyle, Mayor, City of Beaverton, The Beaverton Building, 12725 Southwest Millikan Way, Beaverton, OR 97005.	Community Development Department, 4755 Southwest Griffith Drive, Beaverton, OR 97005.	Apr. 7, 2017	410240
Texas:					
Dallas (FEMA Docket No.: B–1669).	City of Mesquite (16–06–3624P).	The Honorable Stan Pickett, Mayor, City of Mesquite, 757 North Galloway Avenue, Mesquite, TX 75149.	City Engineering Services, 1515 North Galloway Avenue, Mesquite, TX 75185.	Mar. 9, 2017	485490
Dallas (FEMA Docket No.: B–1669).	City of Mesquite (16–06–3625P).	The Honorable Stan Pickett, Mayor, City of Mesquite, 757 North Galloway Avenue, Mesquite, TX 75149.	City Engineering Services, 1515 North Galloway Avenue, Mesquite, TX 75185.	Mar. 10, 2017	485490
Dallas (FEMA Docket No.: B–1669).	Unincorporated Areas of Dallas County (16–06–3625P).	The Honorable Clay L. Jenkins, County Judge, Dallas County, 411 Elm Street, Dallas, TX 75202.	City Hall, 320 East Jefferson Boulevard, Room 321, Dallas, TX 75203.	Mar. 10, 2017	480165
Washington:					
Island (FEMA Docket No.: B–1702).	Unincorporated Areas of Island County (16–10–1381P).	The Honorable Richard Hannold, Chair, Island County Commissioners, 1 Northeast 7th Street, Room 214, Coupeville, WA 98239.	Island County Courthouse Annex, 1 Northeast 6th Street, Coupeville, WA 98239.	Mar. 8, 2017	530312
Island (FEMA Docket No.: B–1702).	Unincorporated Areas of Island County (16–10–1641P).	The Honorable Richard Hannold, Chair, Island County Commissioners, 1 Northeast 7th Street, Room 214, Coupeville, WA 98239.	Island County Courthouse Annex, 1 Northeast 6th Street, Coupeville, WA 98239.	Apr. 20, 2017	530312
King (FEMA Docket No.: B–1662).	City of Auburn (16–10–1206P).	The Honorable Nancy Backus, Mayor, City of Auburn, 25 West Main Street, Auburn, WA 98001.	City Hall, 25 West Main Street, Auburn, WA 98001.	Mar. 8, 2017	530073
King (FEMA Docket No.: B–1662).	City of Pacific (16–10–1206P).	The Honorable Leanne Guier, Mayor, City of Pacific, 100 3rd Avenue Southeast, Pacific, WA 98047.	City Hall, 100 3rd Avenue Southeast, Pacific, WA 98047.	Mar. 8, 2017	530086
Wisconsin:					
Dane (FEMA Docket No.: B–1669).	City of Madison (16–05–6112P).	The Honorable Paul R. Soglin, Mayor, City of Madison, 210 Martin Luther King Jr. Boulevard, Room 403, Madison, WI 53703.	City Hall, 210 Martin Luther King Jr. Boulevard, Room 403, Madison, WI 53703.	Mar. 10, 2017	550083
Dane (FEMA Docket No.: B–1702).	City of Verona (16–05–6316P).	The Honorable Jon Hochkammer, Mayor, City of Verona, City Hall, 111 Lincoln Street, Verona, WI 53593.	City Hall, 111 Lincoln Street, Verona, WI 53593.	Apr. 14, 2017	550092
Dane (FEMA Docket No.: B–1702).	Unincorporated Areas of Dane County (16–05–6316P).	Mr. Joe Parisi, County Executive, Dane County, City County Building, 210 Martin Luther King Jr. Boulevard, Room 421, Madison, WI 53703.	City County Building, 210 Martin Luther King Jr. Boulevard, Room 116, Madison, WI 53703.	Apr. 14, 2017	550077
Kenosha (FEMA Docket No.: B–1669).	Village of Pleasant Prairie (16–05–7542P).	The Honorable John Steinbrink, President, Village of Pleasant Prairie Village Hall, 9915 39th Avenue, Pleasant Prairie, WI 53158.	Village Hall, 9915 39th Avenue, Pleasant Prairie, WI 53158.	Mar. 23, 2017	550613

[FR Doc. 2017–16950 Filed 8–21–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4324–DR; Docket ID FEMA–2017–0001]

Oklahoma; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA–4324–DR), dated July 25, 2017, and related determinations.

DATES: The declaration was issued July 25, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 25, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Oklahoma resulting from severe storms, tornadoes, straight-line winds, and flooding during the period of May 16–20, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Oklahoma.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Charles Maskell, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Oklahoma have been designated as adversely affected by this major disaster:

Alfalfa, Beckham, Cherokee, Coal, Cotton, Delaware, Johnston, LeFlore, Murray, Muskogee, Okfuskee, Okmulgee, Pittsburg, Pontotoc, Roger Mills, and Washita Counties for Public Assistance.

All areas within the State of Oklahoma are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–17740 Filed 8–21–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4328–DR; Docket ID FEMA–2017–0001]

Oregon; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Oregon (FEMA–4328–DR), dated August 8, 2017, and related determinations.

DATES: The declaration was issued August 8, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 8, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Oregon resulting from severe winter storms, flooding, landslides, and mudslides during the period of January 7–10, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Oregon.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Willie G. Nunn, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Oregon have been designated as adversely affected by this major disaster:

Columbia, Deschutes, Hood River, and Josephine Counties for Public Assistance.

All areas within the State of Oregon are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–17764 Filed 8–21–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4318–DR; Docket ID FEMA–2017–0001]

Arkansas; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Arkansas (FEMA–4318–DR), dated June 15, 2017, and related determinations.

DATES: This amendment was issued July 19, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Arkansas is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of June 15, 2017.

Fulton County for Public Assistance (already designated for Individual Assistance). Searcy County for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–17775 Filed 8–21–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4326–DR; Docket ID FEMA–2017–0001]

Michigan; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Michigan (FEMA–4326–DR), dated August 2, 2017, and related determinations.

DATES: The declaration was issued August 2, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 2, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Michigan resulting from severe storms and flooding during the period of June 22–27, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Michigan.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Steven W. Johnson, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Michigan have been designated as adversely affected by this major disaster:

Bay, Gladwin, Isabella, and Midland Counties and the Saginaw Chippewa Tribe within Isabella County for Individual Assistance.

All areas within the State of Michigan are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–17767 Filed 8–21–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4327–DR: Docket ID FEMA–2017–0001]

Wyoming; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Wyoming (FEMA–4327–DR), dated August 5, 2017, and related determinations.

DATES: This declaration was issued August 5, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 5, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Wyoming resulting from flooding during the period of June 7–22, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Wyoming.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for

Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Thomas J. McCool, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Wyoming have been designated as adversely affected by this major disaster:

Fremont and Park Counties and the Wind River Reservation within Fremont County for Public Assistance.

All areas within the State of Wyoming are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–17742 Filed 8–21–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4322–DR; Docket ID FEMA–2017–0001]

New York; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of New York (FEMA–4322–DR), dated July 12, 2017, and related determinations.

DATES: The declaration was issued July 12, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 12, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of New York resulting from a severe winter storm and snowstorm during the period of March 14–15, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of New York.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. You are further authorized to provide snow assistance under the Public Assistance program for a limited period of time during or proximate to the incident period. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Seamus K. Leary, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of New York have been designated as adversely affected by this major disaster:

Albany, Broome, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Madison, Montgomery, Oneida, Orleans, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Tompkins, and Ulster Counties for Public Assistance.

Albany, Broome, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Madison, Montgomery, Oneida, Orleans, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Sullivan, Tioga, Tompkins, and Ulster Counties for snow assistance under the Public Assistance program for any continuous 48-hour period during or proximate to the incident period.

All areas within the State of New York are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–17745 Filed 8–21–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4320–DR; Docket ID FEMA–2017–0001]

Tennessee; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Tennessee (FEMA–4320–DR), dated June 23, 2017, and related determinations.

DATES: This amendment was issued July 19, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Tennessee is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of June 23, 2017.

Jackson and Jefferson Counties for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–17747 Filed 8–21–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4321–DR; Docket ID FEMA–2017–0001]

Nebraska; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for State of Nebraska (FEMA–4321–DR), dated June 26, 2017, and related determinations.

DATES: This amendment was issued July 6, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Dolph A. Diemont, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of David G. Samaniego as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–17741 Filed 8–21–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4323–DR; Docket ID FEMA–2017–0001]

North Dakota; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of North Dakota (FEMA–4323–DR), dated July 12, 2017, and related determinations.

DATES: The declaration was issued July 12, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 12, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of North Dakota resulting from flooding during the period of March 23 to April 29, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of North Dakota.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Thomas J. McCool, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of North Dakota have been designated as adversely affected by this major disaster:

Benson, Bottineau, Cavalier, McHenry, Pembina, Pierce, Renville, Rolette, Towner, and Walsh Counties and the Turtle Mountain Band of Chippewa Reservation for Public Assistance.

All areas within the State of North Dakota are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–17766 Filed 8–21–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of December 21, 2017 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: July 31, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Burlington County, New Jersey (All Jurisdictions)	
Docket No.: FEMA–B–1650	
Borough of Fieldsboro	Municipal Building, 204 Washington Street, Fieldsboro, NJ 08505.
Borough of Medford Lakes	Municipal Building, Clerk's Office, 3rd Floor, 1 Cabin Circle, Medford Lakes, NJ 08055.
Borough of Palmyra	Borough Hall, 2nd Floor, 20 West Broad Street, Palmyra, NJ 08065.
Borough of Pemberton	Municipal Building, 50 Egbert Street, Pemberton, NJ 08068.
Borough of Riverton	Borough Hall, 505A Howard Street, NJ 08077.
Borough of Wrightstown	Municipal Building, 21 Saylors Pond Road, Wrightstown, NJ 08562.
City of Beverly	City Hall, 2nd Floor, 446 Broad Street, Beverly, NJ 08010.
City of Bordentown	City Hall, Tax Office, 324 Farnsworth Avenue, Bordentown, NJ 08505.
City of Burlington	City Hall, Municipal Office, 525 High Street, Burlington, NJ 08016.
Township of Bass River	Bass River Township Municipal Building, 3 North Maple Avenue, New Gretna, NJ 08087.
Township of Bordentown	Municipal Building, Community Development Office, 1 Municipal Drive, Bordentown, NJ 08505.
Township of Burlington	Township Municipal Building, Engineering Department, 851 Old York Road, Burlington, NJ 08016.
Township of Chesterfield	Municipal Building, 300 Bordentown-Chesterfield Road, Chesterfield, NJ 08515.
Township of Cinnaminson	Township Building, 1621 Riverton Road, Cinnaminson, NJ 08077.
Township of Delanco	Municipal Building, 770 Coopertown Road, Delanco, NJ 08075.
Township of Delran	Municipal Building, 900 Chester Avenue, Delran, NJ 08075.
Township of Eastampton	Municipal Building, 12 Manor House Court, Eastampton, NJ 08060.
Township of Edgewater Park	Township Building, 400 Delanco Road, Edgewater Park, NJ 08010.

Community	Community map repository address
Township of Evesham	Evesham Township Municipal Building, Department of Community Development, 984 Tuckerton Road, Marlton, NJ 08053.
Township of Florence	Municipal Complex, Clerk's Office, 711 Broad Street, Florence, NJ 08518.
Township of Hainesport	Township Municipal Building, 1 Hainesport Centre, Hainesport, NJ 08036.
Township of Lumberton	Municipal Building, 35 Municipal Drive, Lumberton, NJ 08048.
Township of Mansfield	Mansfield Township Municipal Complex, 3135 Route 206 South, Suite 1, Columbus, NJ 08022.
Township of Maple Shade	Municipal Building, Community Development, 200 Stiles Avenue, Maple Shade, NJ 08052.
Township of Medford	Municipal Hall, 17 North Main Street, Medford, NJ 08055.
Township of Moorestown	Town Hall, Department of Community Development, 2nd Floor, 111 West 2nd Street, Moorestown, NJ 08057.
Township of Mount Holly	Municipal Building, Clerk's Office, 3rd Floor, 23 Washington Street, Mount Holly, NJ 08060.
Township of Mount Laurel	Municipal Building, 100 Mount Laurel Road, Mount Laurel, NJ 08054.
Township of New Hanover	New Hanover Township Municipal Building, 2 Hockamick Road, Cookstown, NJ 08511.
Township of North Hanover	North Hanover Township Municipal Building, 41 Schoolhouse Road, Jacobstown, NJ 08562.
Township of Pemberton	Municipal Building, 500 Pemberton-Browns Mills Road, Pemberton, NJ 08068.
Township of Riverside	Administrative Building, Consturction Office, 237 South Pavilion Avenue, Riverside, NJ 08075.
Township of Shamong	Municipal Building, 105 Willow Grove Road, Shamong, NJ 08088.
Township of Southampton	Municipal Building, 5 Retreat Road, Southampton, NJ 08088.
Township of Springfield	Springfield Township Municipal Building, 2159 Jacksonville Jobstown Road, Jobstown, NJ 08041.
Township of Tabernacle	Town Hall, 163 Carranza Road, Tabernacle, NJ 08088.
Township of Washington	Washington Township Municipal Building, Emergency Management Office, 2436 County Route 563, Egg Harbor City, NJ 08215.
Township of Westampton	Municipal Building, Construction Office, 710 Rancocas Road, Westampton, NJ 08060.
Township of Willingboro	Municipal Complex, 1 Reverend Dr. Martin Luther King, Jr. Drive, Willingboro, NJ 08046.
Township of Woodland	Woodland Township Municipal Building, 3943 Main Street, Chatsworth, NJ 08019.

[FR Doc. 2017–17762 Filed 8–21–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4329–DR; Docket ID FEMA–2017–0001]

New Hampshire; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of New Hampshire (FEMA–4329–DR), dated August 9, 2017, and related determinations.

DATES: The declaration was issued August 9, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 9, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of New Hampshire resulting from severe storms and flooding during the period of July 1–2, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of New Hampshire.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Albert Lewis, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of New Hampshire have been designated

as adversely affected by this major disaster:

Grafton County for Public Assistance.

All areas within the State of New Hampshire are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–17768 Filed 8–21–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4317–DR; Docket ID FEMA–2017–0001]

Missouri; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4317–DR), dated June 2, 2017, and related determinations.

DATES: This amendment was issued July 13, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Missouri is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of June 2, 2017.

Boone, Cape Girardeau, Mississippi, New Madrid, and Scott Counties for Public Assistance. Pemiscot and Ste. Genevieve Counties for Public Assistance (already designated for Individual Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–17774 Filed 8–21–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4317–DR; Docket ID FEMA–2017–0001]

Missouri; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4317–DR), dated June 2, 2017, and related determinations.

DATES: This amendment was issued July 13, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Missouri is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of June 2, 2017.

Christian, Crawford, Dent, Iron, Wanye, and Wright Counties for Individual Assistance (already designated for Public Assistance).

Greene and Ste. Genevieve Counties for Individual Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–17769 Filed 8–21–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services

Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Colorado:					
Arapahoe (FEMA Docket No.: B–1705).	City of Centennial (16–08–1082P).	The Honorable Cathy Noon, Mayor, City of Centennial, 13133 East Arapahoe Road, Centennial, CO 80112.	Southeast Metro Stormwater Authority, 7437 South Fairplay Street, Centennial, CO 80112.	May 19, 2017	080315
Boulder (FEMA Docket No.: B–1705).	City of Boulder (16–08–0675P).	The Honorable Suzanne Jones, Mayor, City of Boulder, P.O. Box 791, Boulder, CO 80306.	Planning and Development Services Department, 1739 Broadway Street, Boulder, CO 80302.	May 17, 2017	080024
Teller (FEMA Docket No.: B–1705).	City of Woodland Park (16–08–1217P).	The Honorable Neil Levy, Mayor, City of Woodland Park, P.O. Box 9007, Woodland Park, CO 80866.	Public Works Department, 220 W. South Avenue, Woodland Park, CO 80866.	May 18, 2017	080175
Teller (FEMA Docket No.: B–1705).	Unincorporated areas of Teller County (16–08–1217P).	The Honorable Dave Paul, Chairman, Teller County Board of Commissioners, P.O. Box 959, Cripple Creek, CO 80813.	Teller County Administrative Department, 112 North A Street, Cripple Creek, CO 80813.	May 18, 2017	080173
Florida:					
Bay (FEMA Docket No.: B–1705).	City of Callaway (16–04–6043P).	The Honorable Bob Pelletier, Mayor, City of Callaway, 6601 East Highway 22, Callaway, FL 32404.	Public Works Department, 324 South Berthe Avenue, Callaway, FL 32404.	Jun 1, 2017	120005
Bay (FEMA Docket No.: B–1705).	Unincorporated areas of Bay County (16–04–6043P).	The Honorable William T. Dozier, Chairman, Bay County Board of Commissioners, 840 West 11th Street, Panama City, FL 32401.	Bay County Planning and Zoning Division, 840 West 11th Street, Panama City, FL 32401.	Jun 1, 2017	120004
Broward (FEMA Docket No.: B–1705).	City of Plantation (16–04–7674P).	The Honorable Diane Veltri Bendekovic, Mayor, City of Plantation, 400 Northwest 73rd Avenue, Plantation, FL 33317.	Engineering Department, 401 Northwest 70th Terrace, Plantation, FL 33317.	May 25, 2017	120054
Collier (FEMA Docket No.: B–1705).	City of Marco Island (17–04–0130P).	The Honorable Larry Honig, Chairman, City of Marco Island Council, 50 Bald Eagle Drive, Marco Island, FL 34145.	City Hall, 50 Bald Eagle Drive, Marco Island, FL 34145.	May 12, 2017	120426
Lee (FEMA Docket No.: B–1705).	Town of Fort Myers Beach (16–04–7620P).	The Honorable Dennis C. Boback, Mayor, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931.	Community Development Department, 2525 Estero Boulevard, Fort Myers Beach, FL 33931.	May 25, 2017	120673
Lee (FEMA Docket No.: B–1705).	Town of Fort Myers Beach (17–04–0306P).	The Honorable Dennis C. Boback, Mayor, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931.	Community Development Department, 2525 Estero Boulevard, Fort Myers Beach, FL 33931.	May 25, 2017	120673
Lee (FEMA Docket No.: B–1705).	City of Sanibel (16–04–7280P).	The Honorable Kevin Ruane, Mayor, City of Sanibel, 800 Dunlop Road, Sanibel, FL 33957.	Planning and Code Enforcement Department, 800 Dunlop Road, Sanibel, FL 33957.	May 12, 2017	120402

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Monroe (FEMA Docket No.: B–1705).	Unincorporated areas of Monroe County (16–04–7184P).	The Honorable George Neugent, Mayor, Monroe County Board of Commissioners, 25 Ships Way, Big Pine Key, FL 33043.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	May 2, 2017	125129
Monroe (FEMA Docket No.: B–1705).	Unincorporated areas of Monroe County (17–04–0522P).	The Honorable George Neugent, Mayor, Monroe County Board of Commissioners, 25 Ships Way, Big Pine Key, FL 33043.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	May 30, 2017	125129
Pinellas (FEMA Docket No.: B–1705).	City of Clearwater (17–04–0745P).	The Honorable George N. Cretekos, Mayor, City of Clearwater, P.O. Box 4748, Clearwater, FL 33758.	Engineering Department, 100 South Myrtle Avenue, Suite 220, Clearwater, FL 33756.	May 25, 2017	125096
St. Johns (FEMA Docket No.: B–1705).	Unincorporated areas of St. Johns County (16–04–7407P).	The Honorable Jeb Smith, Chairman, St. Johns County Board of Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Building Services Department, 4040 Lewis Speedway, St. Augustine, FL 32084.	May 30, 2017	125147
Seminole (FEMA Docket No.: B–1705).	City of Casselberry (16–04–3548P).	The Honorable Charlene Glancy, Mayor, City of Casselberry, 95 Triplet Lake Drive, Casselberry, FL 32707.	Public Works Department, 95 Triplet Lake Drive, Casselberry, FL 32707.	May 22, 2017	120291
Georgia:					
Bryan (FEMA Docket No.: B–1705).	Unincorporated areas of Bryan County (16–04–6054P).	The Honorable Jimmy Burnsed, Chairman, Bryan County Board of Commissioners, P.O. Box 430, Pembroke, GA 31321.	Bryan County Planning and Zoning Department, 66 Captain Matthew Freeman Drive, Suite 201, Richmond Hill, GA 31324.	May 5, 2017	130016
Fayette (FEMA Docket No.: B–1705).	City of Peachtree City (16–04–5178P).	The Honorable Vanessa Fleisch, Mayor, City of Peachtree City, 151 Willowbend Road, Peachtree City, GA 30269.	Engineering Department, 151 Willowbend Road, Peachtree City, GA 30269.	Apr 13, 2017	130078
Fayette (FEMA Docket No.: B–1705).	Unincorporated areas of Fayette County (16–04–5178P).	The Honorable Eric Maxwell, Chairman, Fayette County Board of Commissioners, 140 Stonewall Avenue West, Suite 100, Fayetteville, GA 30214.	Fayette County Environmental Management Department, 140 Stonewall Avenue West, Suite 203, Fayetteville, GA 30214.	Apr 13, 2017	130432
Massachusetts:					
Essex (FEMA Docket No.: B–1705).	City of Beverly (16–01–2010P).	The Honorable Michael P. Cahill, Mayor, City of Beverly, 191 Cabot Street, Beverly, MA 01915.	Public Services Department, 191 Cabot Street, Beverly, MA 01915.	May 5, 2017	250077
Essex (FEMA Docket No.: B–1705).	City of Beverly (17–01–0046P).	The Honorable Michael P. Cahill, Mayor, City of Beverly, 191 Cabot Street, Beverly, MA 01915.	Public Services Department, 191 Cabot Street, Beverly, MA 01915.	May 5, 2017	250077
Plymouth (FEMA Docket No.: B–1705).	Town of Marion (17–01–0065P).	The Honorable Jonathan E. Dickerson, Chairman, Town of Marion Board of Selectmen, 2 Spring Street, Marion, MA 02738.	Town Hall, 2 Spring Street, Marion, MA 02738.	May 5, 2017	255213
North Carolina:					
Onslow (FEMA Docket No.: B–1705).	Town of North Topsail Beach (17–04–0504P).	The Honorable Fred J. Burns, Mayor, Town of North Topsail Beach, 2008 Loggerhead Court, North Topsail Beach, NC 28460.	Planning Department, 2008 Loggerhead Court, North Topsail Beach, NC 28460.	May 4, 2017	370466
Union (FEMA Docket No.: B–1705).	Unincorporated areas of Union County (16–04–5693P).	The Honorable Frank Aikmus, Chairman, Union County Board of Commissioners, 500 North Main Street, Room 921, Monroe, NC 28112.	Union County Planning Department, 500 North Main Street, Room 70, Monroe, NC 28112.	May 1, 2017	370234
Wake (FEMA Docket No.: B–1705).	Town of Holly Springs (16–04–7667P).	The Honorable Richard G. Sears, Mayor, Town of Holly Springs, P.O. Box 8, Holly Springs, NC 27540.	Engineering Department, 128 South Main Street, Holly Springs, NC 27540.	May 25, 2017	370403
Ohio:					
Greene (FEMA Docket No.: B–1705).	City of Fairborn (16–05–6238P).	Mr. Pete Bales, CPRP, Interim Manager, City of Fairborn, 44 West Hebble Avenue, Fairborn, OH 45324.	Government Center, 44 West Hebble Avenue, Fairborn, OH 45324.	May 19, 2017	390195
Rhode Island:					
Providence (FEMA Docket No.: B–1705).	City of Cranston (16–01–1503P).	The Honorable Allan W. Fung, Mayor, City of Cranston, 869 Park Avenue, Cranston, RI 02910.	City Hall, 869 Park Avenue, Cranston, RI 02910.	Apr 21, 2017	445396
South Carolina:					
Richland (FEMA Docket No.: B–1700).	City of Columbia (14–04–8075P).	The Honorable Stephen K. Benjamin, Mayor, City of Columbia, 1737 Main Street, Columbia, SC 29201.	City Hall, 1737 Main Street, Columbia, SC 29201.	Aug 10, 2015	450172

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Richland (FEMA Docket No.: B–1700).	Unincorporated areas of Richland County (14–04–8075P).	The Honorable Torrey Rush, Chairman, Richland County Council, P.O. Box 192, Columbia, SC 29202.	Richland County Courthouse, 1701 Main Street, Columbia, SC 29202.	Aug 10, 2015	450170
Texas:					
Bexar (FEMA Docket No.: B–1705).	City of San Antonio (16–06–1449P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Storm Water Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	May 18, 2017	480045
Collin (FEMA Docket No.: B–1705).	City of Frisco (16–06–3251P).	The Honorable Maher Maso, Mayor, City of Frisco, 6101 Frisco Square Boulevard, 3rd Floor, Frisco, TX 75034.	City Hall, 6101 Frisco Square Boulevard, 3rd Floor, Frisco, TX 75034.	May 22, 2017	480134
Collin (FEMA Docket No.: B–1705).	City of McKinney (16–06–3366P).	The Honorable Brian Loughmiller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	May 8, 2017	480135
Collin (FEMA Docket No.: B–1705).	Unincorporated areas of Collin County (16–06–3366P).	The Honorable Keith Self, Collin County Judge, 2300 Bloomdale Road, Suite 4192, McKinney, TX 75071.	Collin County Engineering Department, 4690 Community Avenue, Suite 200, McKinney, TX 75071.	May 8, 2017	480130
Denton (FEMA Docket No.: B–1705).	Town of Argyle (16–06–3285P).	The Honorable Peggy Krueger, Mayor, Town of Argyle, P.O. Box 609, Argyle, TX 76226.	Planning and Zoning Division, 308 Denton Street, Argyle, TX 76226.	May 26, 2017	480775
Fort Bend (FEMA Docket No.: B–1705).	City of Missouri City (17–06–0015P).	The Honorable Allen Owen, Mayor, City of Missouri City, 1522 Texas Parkway, Missouri City, TX 77489.	Engineering Department, 1522 Texas Parkway, Missouri City, TX 77489.	May 17, 2017	480304
Fort Bend (FEMA Docket No.: B–1705).	Unincorporated areas of Fort Bend County (17–06–0015P).	The Honorable Robert Hebert, Fort Bend County Judge, 401 Jackson Street, Richmond, TX 77469.	Fort Bend County Engineering Department, 301 Jackson Street, 4th Floor, Richmond, TX 77469.	May 17, 2017	480228
Harris (FEMA Docket No.: B–1705).	City of Missouri City (16–06–2490P).	The Honorable Allen Owen, Mayor, City of Missouri City, 1522 Texas Parkway, Missouri City, TX 77489.	Engineering Department, 1522 Texas Parkway, Missouri City, TX 77489.	Jun 2, 2017	480304
Johnson and Tarrant (FEMA Docket No.: B–1705).	City of Burleson (17–06–0126P).	The Honorable Ken Shetter, Mayor, City of Burleson, 141 West Renfro Street, Burleson, TX 76028.	Engineering Services Department, 141 West Renfro Street, Burleson, TX 76028.	May 8, 2017	485459
Montgomery (FEMA Docket No.: B–1705).	City of Conroe (16–06–1009P).	The Honorable Toby Powell, Mayor, City of Conroe, P.O. Box 3066, Conroe, TX 77305.	Public Works Department, 300 West Davis Street, Conroe, TX 77301.	May 4, 2017	480484
Montgomery (FEMA Docket No.: B–1705).	City of Shenandoah (16–06–1009P).	The Honorable Ritch Wheeler, Mayor, City of Shenandoah, 29955 I-45 North, Shenandoah, TX 77381.	City Hall, 29955 I-45 North, Shenandoah, TX 77381.	May 4, 2017	481256
Montgomery (FEMA Docket No.: B–1705).	Unincorporated areas of Montgomery County (16–06–1009P).	The Honorable Craig Doyal, Montgomery County Judge, 501 North Thompson Street, Suite 401, Conroe, TX 77301.	Montgomery County Engineering Department, 501 North Thompson Street, Suite 103, Conroe, TX 77301.	May 4, 2017	480483
Tarrant (FEMA Docket No.: B–1705).	City of Fort Worth (17–06–0126P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	Transportation and Public Works Department, 1000 Throckmorton Street, Fort Worth, TX 76102.	May 8, 2017	480596
Tom Green (FEMA Docket No.: B–1705).	City of San Angelo (17–06–0008P).	Mr. Daniel Valenzuela, Manager, City of San Angelo, 72 West College Avenue, San Angelo, TX 76903.	City Hall, 72 West College Avenue, San Angelo, TX 76903.	May 3, 2017	480623
Tom Green (FEMA Docket No.: B–1705).	Unincorporated areas of Tom Green County (17–06–0008P).	The Honorable Stephen C. Floyd, Tom Green County Judge, 122 West Beauregard Avenue, San Angelo, TX 76903.	Tom Green County Courthouse, 122 West Beauregard Avenue, San Angelo, TX 76903.	May 3, 2017	480622
Utah: Salt Lake (FEMA Docket No.: B–1705)	Town of Herriman (16–08–1375P).	The Honorable Carmen Freeman, Mayor, Town of Herriman, 13011 South Pioneer Street, Herriman, UT 84096.	City Hall, 13011 South Pioneer Street, Herriman, UT 84096.	May 4, 2017	490252
Wyoming:					
Albany (FEMA Docket No.: B–1705).	City of Laramie (16–08–0896P).	Ms. Janine Jordan, Manager, City of Laramie, P.O. Box C, Laramie, WY 82073.	City Hall, 406 Ivinson Avenue, Laramie, WY 82073.	May 17, 2017	560002
Albany (FEMA Docket No.: B–1705).	Unincorporated areas of Albany County (16–08–0896P).	The Honorable Tim Sullivan, Chairman, Albany County Board of Commissioners, 525 East Grand Avenue, Suite 202, Laramie, WY 82070.	Albany County Planning Department, 1002 South 3rd Street, Laramie, WY 82070.	May 17, 2017	560001

[FR Doc. 2017–17760 Filed 8–21–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4325–DR; Docket ID FEMA–2017–0001]

Nebraska; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Nebraska (FEMA–4325–DR), dated August 1, 2017, and related determinations.

DATES: The declaration was issued August 1, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 1, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Nebraska resulting from severe storms, tornadoes, and straight-line winds during the period of June 12–17, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Nebraska.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Dolph A. Diemont, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Nebraska have been designated as adversely affected by this major disaster:

Banner, Box Butte, Butler, Cass, Cuming, Dodge, Douglas, Fillmore, Gage, Jefferson, Morrill, Polk, Sarpy, Saunders, Sheridan, Sioux, Thurston, and Wayne Counties for Public Assistance.

All areas within the State of Nebraska are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–17746 Filed 8–21–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

[Docket ID FEMA–2014–0022]

Technical Mapping Advisory Council

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee management; notice of Federal Advisory Committee meeting.

SUMMARY: The Federal Emergency Management Agency (FEMA) Technical Mapping Advisory Council (TMAC) will meet in person on Wednesday, September 13, 2017 and Thursday, September 14, 2017 in Arlington, Virginia. The meeting will be open to the public.

DATES: The TMAC will meet on Wednesday, September 13, 2017 from 8:00 a.m.–5:30 p.m. Eastern Daylight Time (EDT), and Thursday, September 14, 2017 from 8:00 a.m.–5:30 p.m. EDT. Please note that the meeting will close early if the TMAC has completed its business.

ADDRESSES: The meeting will be held at 3101 Wilson Boulevard, Arlington, Virginia, 22201. Members of the public who wish to attend the meeting must register in advance by sending an email to *FEMA-TMAC@fema.dhs.gov* (Attention: Mark Crowell) by 11:00 p.m. EDT on Wednesday, September 6, 2017. Members of the public must check in at the front desk on the ninth floor of 3101 Wilson Boulevard, Arlington, Virginia, 22201. Photo identification is required. For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Mark Crowell, Designated Federal Officer for the TMAC, at *mark.crowell@fema.dhs.gov.*

To facilitate public participation, members of the public are invited to provide written comments on the issues to be considered by the TMAC, as listed in the **SUPPLEMENTARY INFORMATION** section below. Associated meeting materials will be available at *www.fema.gov/TMAC* for review by Wednesday, September 6, 2017. Written comments to be considered by the committee at the time of the meeting must be submitted and received by Friday, September 8, 2017, identified by Docket ID FEMA–2014–0022, and submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email:* Address the email TO: *FEMA-RULES@fema.dhs.gov* and CC: *FEMA-TMAC@fema.dhs.gov.* Include the docket number in the subject line of the message. Include name and contact information in the body of the email.
- *Mail:* Regulatory Affairs Division, Office of Chief Counsel, FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

Instructions: All submissions received must include the words ''Federal Emergency Management Agency'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For docket access to read background documents or comments received by the TMAC, go to *http://www.regulations.gov* and search for the Docket ID FEMA–2014–0022.

A public comment period will be held on Wednesday, September 13, 2017,

from 3:00 p.m. to 3:30 p.m. EDT and again on Thursday, September 14, 2017, from 12:00 p.m. to 12:30 p.m. EDT. Speakers are requested to limit their comments to no more than three minutes. The public comment period will not exceed 30 minutes. Please note that the public comment period may end before the time indicated, following the last call for comments. Contact the individual listed below to register as a speaker by close of business on Friday, September 8, 2017.

FOR FURTHER INFORMATION CONTACT: Mark Crowell, Designated Federal Officer for the TMAC, FEMA, 400 C Street SW., Washington, DC 20024, telephone (202) 646–3432, and email *mark.crowell@fema.dhs.gov.* The TMAC Web site is: *http://www.fema.gov/TMAC.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the *Federal Advisory Committee Act,* 5 U.S.C. App 2.

In accordance with the *Biggert-Waters Flood Insurance Reform Act of 2012,* the TMAC makes recommendations to the FEMA Administrator on: (1) How to improve, in a cost-effective manner, the (a) accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps and risk data; and (b) performance metrics and milestones required to effectively and efficiently map flood risk areas in the United States; (2) mapping standards and guidelines for (a) flood insurance rate maps, and (b) data accuracy, data quality, data currency, and data eligibility; (3) how to maintain, on an ongoing basis, flood insurance rate maps and flood risk identification; (4) procedures for delegating mapping activities to State and local mapping partners; and (5) (a) methods for improving interagency and intergovernmental coordination on flood mapping and flood risk determination, and (b) a funding strategy to leverage and coordinate budgets and expenditures across Federal agencies. Furthermore, the TMAC is required to submit an annual report to the FEMA Administrator that contains: (1) A description of the activities of the Council; (2) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update Flood Insurance Rate Maps; and (3) a summary of recommendations made by the Council to the FEMA Administrator.

Agenda: During the two-day meeting, TMAC members will review and discuss final recommendations and supporting content for each of the three TMAC 2017 Annual Report topics; flood risk management and mitigation, residual risk, and future conditions, and hold voting to approve content for final production and submission to the FEMA Administrator. A public comment period will be held on Wednesday, September 13, 2017, from 3:00 p.m. to 3:30 p.m. EDT and again on Thursday, September 14, 2017, from 12:00 p.m. to 12:30 p.m. EDT and will occur prior to any vote. The full agenda and related briefing materials will be posted for review by Friday, September 8, 2017 at *http://www.fema.gov/TMAC.*

Dated: August 10, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Federal Emergency Management Agency.

[FR Doc. 2017–17759 Filed 8–21–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

United States Immigration and Customs Enforcement

Agency Information Collection Activities: Comment Request; Extension of an Information Collection

ACTION: 60-Day Notice of Information Collection for review; Suspicious/Criminal Activity Tip Reporting; OMB Control No. 1653–0049.

The Department of Homeland Security, U.S. Immigration and Customs Enforcement (USICE), is submitting the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty day until October 23, 2017.

Written comments and suggestions regarding items contained in this notice and especially with regard to the estimated public burden and associated response time should be directed to the Office of Chief Information Office, Forms Management Office, U.S. Immigrations and Customs Enforcement, 801 I Street NW., Mailstop 5800, Washington, DC 20536–5800.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) 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;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Suspicious/Criminal Activity Tip Reporting.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households. The Department of Homeland Security (DHS) tip reporting capability will facilitate the collection of information from the public and law enforcement partners regarding allegations of crimes enforced by DHS.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 122,000 responses at 10 minutes (.16) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 20,454 annual burden hours.

Dated: August 16, 2017.

Scott Elmore,

Program Manager, Forms Management Office, Office of the Chief Information Officer, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

[FR Doc. 2017–17679 Filed 8–21–17; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent To Request Revision From OMB of One Public Collection of Information: Exercise Information System

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-Day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0057, abstracted below that we will submit to the Office of Management and Budget (OMB) for a revision in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden for the TSA Exercise Information System (EXIS). EXIS is a web portal designed to serve stakeholders in the transportation industry in regard to security training exercises. EXIS provides stakeholders with transportation security exercise scenarios and objectives, best practices and lessons learned, and a repository of the user's own historical exercise data for use in future exercises. It also allows stakeholders to design and evaluate their own security exercises based on the unique needs of their specific transportation mode or method of operation. Utilizing and inputting information into EXIS is completely voluntary.

DATES: Send your comments by October 23, 2017.

ADDRESSES: Comments may be emailed to *TSAPRA@dhs.gov* or delivered to the TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone 571–227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be made available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Orders (EO) 13771, Reducing Regulation and Controlling Regulatory Costs, and 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

Information Collection Requirement

OMB Control Number 1652–0057; Exercise Information System. The Exercise Information System (EXIS) is an internet-accessible knowledge-management system developed by TSA to serve its relevant stakeholders (such as members of the transportation industry, port authorities, Federal agencies, and State and local governments). EXIS integrates security-related training and exercise components constituting Sensitive Security Information.[1] It gives stakeholders valuable security exercise scenarios and objectives, best practices and lessons learned, and a repository of the users' own historical exercise data for use in future exercises. Transportation industry stakeholders can choose scenarios and objectives based on their vulnerabilities, mode of transportation, and the size of their operation.

TSA will collect five types of information through EXIS. The collection is voluntary. While EXIS users are not required to provide all information requested, if users choose to withhold information, they may not receive the benefits of EXIS associated with that information collection.

1. *User registration information.* Because EXIS includes SSI information, TSA must collect information upon registration to ensure only those members of the transportation community with a relevant interest in conducting security training exercises, and with an appropriate level of need to access security training information, are provided access to EXIS.

In this revision, TSA is modifying the type of user registration information collected. TSA previously collected the User's name, Professional Contact Information, Agency/Company, Job Title, Supervisor's Name, and Employment Verification Contact Information. In the revised collection, TSA will collect: The User's Name, Agency/Organization Name and Type, Job Title, Supervisor or other Sponsor's Name, Professional Phone Number, Professional Email Address, Employment Verification Contact Name, Employment Verification Contact Information, and the Reason for Needing an EXIS account. In addition, the following optional registration information can be added by the user: Professional (business), Country, City, State, Zip Code, Mobile Phone Number, Alternate Email, and Preferred Transportation Sector.

2. *Desired nature and scope of the exercise.* TSA collects this information to generate an EXIS training exercise appropriate for the particular user. Users are asked to submit their desired transportation mode, exercise properties, objectives, scenario events, and participating agencies/attendees.

3. *Corrective actions/lessons learned/best practices.* TSA collects this information to document and share the users' ideas and methods for improving transportation security with other transportation stakeholders in the wider EXIS user base. The TSA Intermodal Security Training and Exercise Program (I–STEP) office may send lessons learned and best practices to subject matter experts within TSA for review. Once the information is reviewed, any company or user identifying information is removed and the content is published to the site for all users to access.

4. *Evaluation feedback.* TSA collects this information for the purpose of evaluating the usefulness of EXIS in facilitating security training exercises for the users. TSA can then modify EXIS to better suit its users' needs.

5. *After-Action Reports (AARs).* The EXIS automatically summarizes information from items (2) and (3) mentioned above in order to create formal AARs for users. These AARs include an exercise overview, goals and objectives, scenario event synopsis, analysis of critical issues, exercise

[1] Sensitive Security Information (SSI) is information which, if publicly released, would be detrimental to transportation security, and is defined at 49 U.S.C. 114(r) and 49 CFR part 1520.

design characteristics, conclusions, and the executive summary. The AAR is the output of the exercise process. Stakeholders use the report to identify strengths or areas in which they can assign resources to mitigate risk and enhance the security posture within their organization.

Based on industry population estimates and growth rates, and interest generated amongst the transportation modes during the years following EXIS' release to the public, TSA estimates that there will be approximately 7,885 primary and secondary access users in Year 1, 9,447 users in Year 2, and 11,320 users in Year 3, for an average annual respondents estimate of 9,551. TSA estimates a proportion of primary access users and secondary users will spend approximately 3.5 hours per EXIS user inputting the information described above. TSA estimates secondary users will also spend approximately 0.25 hours completing a survey. Given this information, the total annual hourly burden for EXIS's collection of information is 4,820 hours.

Dated: August 16, 2017.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2017–17654 Filed 8–21–17; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2017–N082; FXES11130200000–178–FF02ENEH00]

U.S. Endangered Species; Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for a permit to conduct activities intended to recover and enhance the survival of endangered species. With some exceptions, the Endangered Species Act of 1973, as amended (ESA), prohibits certain activities that may impact endangered species unless a Federal permit allows such activity. The ESA also requires that we invite public comment before issuing these permits.

DATES: To ensure consideration, please send your written comments by September 21, 2017.

ADDRESSES: Request documents or submit comments to Susan Jacobsen, Chief, Division of Classification and Restoration, by U.S. mail at Division of Classification and Recovery, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, NM 87103. Please specify the permit you are interested in by number (*e.g.,* Permit No. TE–123456).

FOR FURTHER INFORMATION CONTACT: Susan Jacobsen, Chief, Division of Classification and Restoration, by U.S. mail at P.O. Box 1306, Albuquerque, NM 87103; or by telephone at 505–248–6641.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for a permit to conduct activities intended to recover and enhance the survival of endangered species. With some exceptions, the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* ESA), prohibits certain activities that may impact endangered species, unless a Federal permit allows such activity. The ESA also requires that we invite public comment before issuing these permits.

Background

The ESA prohibits certain activities with endangered and threatened species unless authorized by a Federal permit. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

In accordance with section 10(c) of the ESA; Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government''; and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009, ''Transparency and Open Government'' (74 FR 4685; January 26, 2009), all of which call on Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken.

Applications Available for Review and Comment

We invite local, State, Tribal, and Federal agencies and the public to comment on the following applications. Please refer to the permit number for the application when submitting comments.

Documents and other information submitted with these applications are available for review by any party who submits a written request to the Program Manager for Restoration and Endangered Species Classification at the address listed in the **ADDRESSES** section. Requests must be submitted within 30 days of the date of publication of this notice. Release of documents is subject to the requirements of the Privacy Act (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552).

Permit Applications

Proposed activities in the following permit requests are for the recovery and enhancement of survival of the species.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE–22964C	Memphis Zoo, Memphis, Tennessee.	Houston toad (*Bufo houstonensis*)	Tennessee	Captive propagation and genetic research.	Harm and harass	New.
TE–25105C	Heidi Kloeppel Trathnigg, Flagstaff, Arizona.	Southwestern willow flycatcher (*Empidonax traillii extimus*).	Arizona	Presence/absence surveys.	Harass	New.
TE–829761	Bureau of Land Management, Las Cruces, New Mexico.	Gila chub (*Gila intermedia*)	New Mexico	Presence/absence surveys.	Capture and harass.	Amend.
TE–216075	Martin R. Heaney, Rosenberg, Texas.	Pink mucket (*Lampsilis abrupta*) and winged mapleleaf (*Quadrula fragosa*).	Arkansas	Presence/absence surveys.	Capture and harass.	Amend.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE–048464	Joanne M. Roberts, Hereford, Arizona.	Lesser long-nosed bat (*Leptonycteris curasoae yerbabuenae*), southwestern willow flycatcher (*Empidonax traillii extimus*), and *Lilaeopsis schaffneriana* var. *recurva* (Huachuca water umbel).	Arizona	Presence/absence surveys.	Capture, harm, and harass.	Amend and Renew.
TE–29890C	Matrix Consulting NM, Albuquerque, New Mexico.	Southwestern willow flycatcher (*Empidonax traillii extimus*).	Arizona, Colorado, New Mexico, Texas, and Utah.	Presence/absence surveys.	Harass	New.
TE–794593	Texas State Aquarium, Corpus Christi, Texas.	Masked bobwhite quail (*Colinus virginianus ridgwayi*).	Texas	Enhancement of propagation or survival of species.	None	Amend.
TE–232639	DESCO Environmental Consultants, LP, Magnolia, Texas.	American burying beetle (*Nicrophorus americanus*).	Oklahoma and Texas.	Presence/absence surveys.	Capture and harass.	Amend.
TE–21840C	Wildwood Environmental Credit Company, Tyler, Texas.	Gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), Ozark big-eared bat (*Corynorhinus (=plecotus) townsendii ingens*), and Virginia big-eared bat (*Corynorhinus (=plecotus) townsendii virginianus*).	Arkansas, Louisiana, North Carolina, Oklahoma, Tennessee, and Texas.	Presence/absence surveys.	Capture, harm, and harass.	New.
TE–72079A	John N. Rinne, Flagstaff, Arizona.	Loach minnow (*Tiaroga cobitis*), and spikedace (*Meda fulgida*).	New Mexico	Presence/absence surveys.	Capture, harm, and harass.	Renew.
TE–32832C	U.S. Fish and Wildlife Service—Buenos Aires National Wildlife Refuge, Sasabe, Arizona.	Masked bobwhite (*Colinus virginianus ridgwayi*).	Arizona	Captive propagation, research, and reintroduction.	Capture, harm, and harass.	New.
TE–32916C	G.M. Sutton Avian Research Center.	Masked bobwhite (*Colinus virginianus ridgwayi*).	Oklahoma	Captive breeding, and subsequent tracking and monitoring of released birds.	Capture, harm, and harass.	New.
TE–32917C	Ashley M. Long	Golden-cheeked warbler (*Setophaga chrysoparia*), Black-capped vireo (*Vireo atricapilla*).	Texas	Presence/absence surveys, mist netting and banding, use of geolocators and radiotrackers.	Capture, harm, and harass.	New.
TE–40886B	Jennifer Zahratka, Durango, Colorado.	New Mexico meadow jumping mouse (*Zapus hudsonius luteus*).	Colorado, New Mexico.	Radio-collaring and collecting tissue samples to confirm taxonomic identification with genetic analysis.	Capture, harm, and harass.	Amend.
TE43754A	Turner Endangered Species Fund, Bozeman, Montana.	Chupadera springsnail (*Pyrgulopsis chupaderae*).	New Mexico	Monitor, survey, handle, and collect.	Capture, harm, and harass..	Amend.
TE34460C	Grouse Mountain Environmental Consultants, Santa Fe, New Mexico.	Southwestern willow flycatcher (*Empidonax traillii extimus*).	Arizona, Colorado, New Mexico, Texas, Utah, Wyoming.	Presence/absence surveys.	Harm and harass	New.
TE35802C	Geodata Crawler Research Institute, Fort Smith, Arkansas.	American burying beetle (*Nicrophorus americanus*).	Arkansas, Kansas, Nebraska, Oklahoma, South Dakota, Texas.	Presence/absence surveys.	Harm and harass	New.
TE00479C	Kevin Johnson, Oklahoma City, Oklahoma.	American burying beetle (*Nicrophorus americanus*), Red cockaded woodpecker (*Picoides borealis).*	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia.	Presence/absence surveys.	Harm and harass	New.

Public Availability of Comments

All comments and materials we receive in response to these requests will be available for public inspection, by appointment, during normal business hours at the address listed in **ADDRESSES.**

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*).

Dated: June 7, 2017.

Benjamin N. Tuggle,

Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 2017–17710 Filed 8–21–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMT922200–17X–L13100000–FI0000–P;NDM 94112–MO#4500107589]

Proposed Reinstatement of Terminated Oil and Gas Lease NDM 94112, North Dakota

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of lease reinstatement.

SUMMARY: As required under the Mineral Leasing Act of 1920, Emerald Oil, Inc. timely filed a petition for reinstatement of competitive oil and gas lease NDM 94112, McKenzie County, North Dakota. The lessee paid the required rental and royalties accruing from the date of termination. No leases were issued that affect these lands. The Bureau of Land Management proposes to reinstate the lease.

FOR FURTHER INFORMATION CONTACT: Kimberly Werven, Chief, Fluids Adjudication Section, Bureau of Land Management Montana State Office, 5001 Southgate Drive, Billings, Montana 59101–4669; telephone: 406–896–5091; email: *kwerven@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lessee agrees to new lease terms for rentals and royalties of $10 per acre, or fraction thereof, per year, and 16⅔ percent, respectively. The lessee agrees to additional or amended stipulations. The lessee paid the $500 administration fee for the reinstatement of the lease and $159 cost for publishing this Notice.

The lessee met the requirements for reinstatement of the lease per Sec. 31(d) and (e) of the Mineral Leasing Act of 1920. We are proposing to reinstate the lease, effective the date of termination, subject to the:

- Original terms and conditions of the lease;
- Additional and amended stipulations;
- Increased rental of $10 per acre;
- Increased royalty of 16⅔ percent; and
- $159 cost of publishing this Notice.

Authority: 30 U.S.C. 188.

Kimberly Werven,

Chief, Fluids Adjudication Section.

[FR Doc. 2017–17725 Filed 8–21–17; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–23717; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Arkansas State Highway and Transportation Department, Little Rock, AR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Arkansas State Highway and Transportation Department has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Arkansas State Highway and Transportation Department. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Arkansas State Highway and Transportation Department at the address in this notice by September 21, 2017.

ADDRESSES: Kristina Boykin, Arkansas State Highway and Transportation Department, P.O. Box 2261, Little Rock, AR 72203, telephone (501) 569–2079, email *Kristina.Boykin@ahtd.AR.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Arkansas State Highway and Transportation Department. The human remains were removed from a salvage operation in Randolph County, AR.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Remains

In 1888, human remains representing, at minimum, two individuals were recovered from site 3RA387 in Randolph County, AR. The human remains were discovered during a salvage operation of site 3RA387 as part of the re-routing of Highway 304. Excavations were undertaken by the Arkansas State Highway and Transportation Department. Currently, the remains are being stored at the Arkansas Archeological Survey's curation facility. The gender and age of the human remains were undetermined. No known individuals were identified. No associated funerary objects are present. No diagnostic artifacts were found at site 3RA387 to indicate when these human remains were buried. The cultural and temporal identity of these human remains is difficult to discern and they cannot be clearly culturally affiliated with an Indian tribe.

Determinations Made by the Arkansas State Highway and Transportation Department

Officials of the Arkansas State Highway and Transportation Department have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.

• Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of The Osage Nation (previously listed as the Osage Tribe).

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to The Osage Nation (previously listed as the Osage Tribe).

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Kristina Boykin, Arkansas State Highway and Transportation Department, P.O. Box 2261, Little Rock, AR 72203, telephone (501) 569–2079, email *Kristina.Boykin@ahtd.AR.gov,* by September 21, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Osage Nation (previously listed as the Osage Tribe) may proceed.

The Arkansas State Highway and Transportation Department is responsible for notifying The Osage Nation (previously listed as the Osage Tribe) that this notice has been published.

Dated: July 6, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–17646 Filed 8–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–23669; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Valley Authority, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Tennessee Valley Authority (TVA) has completed an inventory of human remains and associated funerary objects in consultation with the appropriate federally recognized Indian Tribes, and has determined that a cultural affiliation between the human remains and associated funerary objects and any present-day federally recognized Indian Tribes cannot be reasonably traced. Representatives of any federally recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to TVA. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the federally recognized Indian Tribe stated in this notice may proceed.

DATES: Representatives of any federally recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to TVA at the address in this notice by September 21, 2017.

ADDRESSES: Dr. Thomas O. Maher, TVA, 400 West Summit Hill Drive, WT11D, Knoxville TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of TVA. The human remains and associated funerary objects were removed from archeological sites in Colbert and Lauderdale Counties, AL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by TVA professional staff in consultation with representatives of the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Mississippi Band of Choctaw Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Remains

From August 5, 1936 to August 13, 1937, human remains representing, at minimum, 309 individuals were removed from the Mulberry Creek site (1CT27) in Colbert County, AL, by the Alabama Museum of Natural History at the University of Alabama (AMNH). TVA acquired this site on March 25, 1936, for the Pickwick Reservoir project. This shell midden site was at the confluence of Mulberry Creek and the Tennessee River. While there are no radiocarbon dates from this site, the stratified distribution of material culture suggests the primary occupation was during the Late Archaic period (4000–1000 B.C.). Ceramics were only found in the upper three feet of this shell midden, suggesting occupations during the Colbert (300 B.C.–A.D. 100) and McKelvey phases (A.D. 500–1000). The human remains and associated funerary objects are in the physical custody of AMNH and include adults, juveniles, and infants of both sexes. No known individuals were identified. The 3,300 associated funerary objects are 3 stone flakes; 2 antler billets; 2 antler punches; 1 anvil stone; 1 atlatl weight; 4 Baldwin Plain body sherds; 1 Baytown Plain var. McKelvey rim sherd; 1 Benton projectile point; 18 chert bifaces; 5 bone beads; 2 bone fids/awls; 1 bone needle; 12 bone pins; 7 bone pin fragments; 1 carved bone pin; 1 chert celt; 3 ceramic sherds; 175 crinoid stems; 1 Cypress Creek projectile point; 1 Elora projectile point; 2 chert drills; 2 shell gorget fragments; 2 hammerstones; 1 hoe, limestone; 1 knife, chert; 8 unidentified projectile points; 1 Little Bear Creek projectile point; 3 Maples projectile points; 4 modified bones; 5 Morrow Mountain projectile points; 1 Mulberry Creek Cordmarked basal sherd; 1 Mulberry Creek projectile point; 54 drilled canine teeth pendants; 2 Pickwick projectile points; 4 triangular projectile points; 8 chert preforms; 1 lot of unmodified shell; 2,903 shell or stone beads; 6 shell gorgets; 1 stone axe; 2 unmodified turtle shells; 32 turtle shell fragments; 6 unmodified bivalve shells; and 8 White Springs projectile points.

From September 22, 1936 to September 30, 1937, human remains representing, at minimum, 481 individuals were removed from the Bluff Creek site (1LU59) in Lauderdale County, AL, by AMNH. TVA acquired this site on December 23, 1936, for the Pickwick Reservoir project, and the excavation was conducted with Federal

funds in anticipation of reservoir construction. This shell mound site was found at the confluence of Bluff Creek and the Tennessee River and was the accumulation of mussel shell and village midden, rather than an intentionally constructed earthen works. Based on the material culture, this site was occupied during the Late Archaic (4000–1000 B.C.), Early Woodland (1000–100 B.C.), Middle Woodland (Copena phase, A.D. 100–500), and Late Woodland (McKelvey phase, A.D. 500–1000). Shell-tempered ceramics from the Mississippian period are found in the upper portion of this shell midden. The human remains and associated funerary objects are in the physical custody of AMNH and include infants, adolescents, and adults of both sexes. No known individuals were identified. The 802 associated funerary objects include 1 adze; 6 antler billets; 1 atlatl weight; 40 bone awls; 1 Baldwin Plain sherd; 2 bar gorgets; 4 beaver incisors; 1 Bell Plain bottle; 1 Bell Plain jar; 1 biface fragment; 8 mammal bones; 2 bone pins; 2 bow drill sockets; 3 celts; 10 copper beads; 1 copper ornament; 1 wooden earspool; 1 bone fid; 1 fire cracked rock; 3 bone flakers; 2 Flint Creek projectile points; 3 Flint River Cordmarked sherds; 1 rubbed galena; 1 grooved abrader; 1 hafted drill; 1 hammerstone; 1 iron ring; 4 jasper beads; 7 mammal mandibles; 1 McKee Island Brushed jar; 1 piece of mica; 1 Mississippi Plain jar; 24 Mississippi Plain sherds; 1 modified antler; 32 modified bones; 47 pieces of modified turtle shell; 2 bone netting needles; 1 shell pendant; 35 teeth pendants; 11 bone projectile points; 1 Cotaco Creek projectile point; 1 Elora projectile point; 1 Hamilton Stemmed projectile point; 5 unidentified projectile points; 1 Ledbetter projectile point; 8 Little Bear Creek projectile points; 2 Madison projectile points; 1 McIntyre projectile points; 1 Mud Creek projectile point; 1 Pickwick projectile point; 1 Smithsonia projectile point; 1 Wade projectile point; 3 chert preforms; 3 raccoon baculums; 1 rattle; 1 lot of seed pods; 21 shells; 377 shell beads; 2 shell cups; 4 shell gorgets; 1 stone; 6 stone beads; 5 carnivore teeth; 66 turtle shell fragments; 13 tubular bone beads; 2 unmodified bones; 5 Wheeler Dentate Stamped sherds; and 1 Wheeler Plain bowl.

From August 24, 1937 to February 11, 1938, human remains representing, at minimum, 141 individuals were removed from the O'Neal site (1LU61) in Lauderdale County, AL, by AMNH. TVA acquired this site on December 23, 1936, for the Pickwick Reservoir project. The site is a shell midden adjacent to the Tennessee River, but because of inclement weather and the early closure of the Pickwick Dam, only two trenches were dug into this site. The primary occupation of the site took place during the Late Archaic period (4000–1000 B.C.). The human remains and associated funerary objects are in the physical custody of AMNH and include adults, juveniles, children, and infants of both sexes. No known individuals were identified. The 676 associated funerary objects include 1 antler flaker; 1 antler tine; 1 bear tooth; 1 biface; 1 Bluff Creek Simple Stamped sherd; 1 bone awl/fid; 1 bone pin; 2 stone drills; 6 jasper beads; 2 modified antler; 1 modified bone; 1 Flint Creek projectile point; 4 Little Bear Creek projectile point; 1 McIntire projectile point; 6 unidentified projectile points; 644 shell beads; and 2 shell gorgets/pendants.

From August to September of 1937, human remains representing, at minimum, 7 individuals were removed from the Meander Scar site (1LU62) in Lauderdale County, AL, by AMNH. TVA acquired this site on August 23, 1935, for the Pickwick Reservoir project. Due to persistent flooding at the confluence of Bluff Creek and the Tennessee River, excavations were limited, and there are no radiocarbon dates from this site. The pottery recovered indicates occupations during the Woodland period (300 B.C.–A.D. 1000). The human remains are in the physical custody of AMNH and include fragmented remains of adults and children of both sexes. No known individuals were identified. No associated funerary objects are present.

From May 20 to June 9, 1936, human remains representing, at minimum, 8 individuals were removed from site 1LU63 in Lauderdale County, AL, by AMNH. TVA acquired this site on October 28, 1936, for the Pickwick Reservoir project, and the excavation was conducted with Federal funds in anticipation of the reservoir construction. This site was one of two burial mounds in the area, and the mound was trenched and systematically excavated vertically with a focus on identifying burial pits. Four soil zones modified by human activity were identified, and although there are no radiocarbon dates, funerary objects indicate that the mound was created during the Middle Woodland Copena phase (A.D. 100–500). The human remains and associated funerary objects are in the physical custody of AMNH including adults and an infant of indeterminate sex. No known individuals were identified. The 17 associated funerary objects include 1 conch shell cup; 2 copper earspools; 2 copper earspool fragments; 1 copper reel gorget; and 11 galena nodules.

In July of 1988, human remains representing, at minimum, 4 individuals were removed from Colliers Cave (1LU494) in Lauderdale County, AL, by the University of Alabama field school. TVA acquired this site on March 28, 1936, for the Pickwick Reservoir project. The site is a large cave that consists of a main passage and several side passages, with evidence of pot-hunting and excavations. The University of Alabama field school excavated two test pits and a trench, but the chronological placement of the site is unknown. The human remains are in the physical custody of AMNH and include three adults and one infant of unknown sex. No known individuals were identified. No associated funerary objects are present.

From June 29 to July 1, 1988, human remains representing, at minimum, 23 individuals were removed from site 1LU495 in Lauderdale County, AL, by the University of Alabama field school. TVA acquired this site on February 18, 1937, for the Pickwick Reservoir project The site is a cave adjacent to Coffee Slough in the vicinity of Seven Mile Island. The University of Alabama field school excavated two small units, but the chronological placement of the site is unknown. The human remains are in the physical custody of AMNH but are too small to identify the sex of the individuals with ages ranging from 6 months to 30 years old. No known individuals were identified. No associated funerary objects are present.

In 1988, human remains representing, at minimum, 4 individuals were surface collected from Coffee Cave (1LU499) in Lauderdale County, AL, by the University of Alabama field school. TVA acquired this site on November 23, 1936. Coffee Cave is adjacent to Coffee Slough in the vicinity of Seven Mile Island. The human remains are in the physical custody of AMNH and are too fragmentary to identify the sex but include two juveniles between 11 and 12 years old; one young adult between 15 and 25 years old; and one adult, 18 years or older. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Tennessee Valley Authority

Officials of TVA have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on their presence in prehistoric archeological sites and osteological analysis.

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 977 individuals of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(3)(A), the 4,795 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

• Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.

• According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; and United Keetoowah Band of Cherokee Indians in Oklahoma.

• The Treaty of September 20, 1816, indicates that the land from which the Native American human remains were removed is the aboriginal land of The Chickasaw Nation.

• Pursuant to 43 CFR 10.11(c)(1)(ii), the disposition of the human remains may be to the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and United Keetoowah Band of Cherokee Indians in Oklahoma. The Cherokee Nation; Eastern Band of Cherokee Indians; and United Keetoowah Band of Cherokee Indians in Oklahoma have declined to accept transfer of control of the human remains.

• Pursuant to 43 CFR 10.11(c)(4), TVA has decided to transfer control of the funerary objects associated with the culturally unidentifiable human remains to The Chickasaw Nation.

Additional Requestors and Disposition

Representatives of any federally recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Thomas O. Maher, TVA, 400 West Summit Hill Drive, WT11D, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov,* by September 21, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Chickasaw Nation may proceed.

The TVA is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: June 28, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–17649 Filed 8–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–23716; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Arkansas State Highway and Transportation Department, Little Rock, AR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Arkansas State Highway and Transportation Department has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Arkansas State Highway and Transportation Department. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Arkansas State Highway and Transportation Department at the address in this notice by September 21, 2017.

ADDRESSES: Kristina Boykin, Arkansas State Highway and Transportation Department, P.O. Box 2261, Little Rock, AR 72203, telephone (501) 569–2079, email *Kristina.Boykin@ahtd.AR.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Arkansas State Highway and Transportation Department. The human remains were removed from a bluff shelter in Madison County, AR.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Department of Anthropology at the University of Arkansas professional staff for the Arkansas State Highway and Transportation Department in consultation with representatives of the Caddo Nation of Oklahoma, Cherokee Nation, The Osage Nation (previously listed as the Osage Tribe), and United Keetoowah Band of Cherokee Indians in Oklahoma.

History and Description of the Remains

In 1991, human remains representing, at minimum, two individuals were recovered from site 3MA238 in Madison County, AR, during an excavation of a borrow pit for White River Bridge Replacement. The appropriate authorities, including Dr. Jerome Rose, were notified and determined that the human remains were Native American. At the request of the Arkansas State Highway and Transportation Department, the human remains were taken to the Osteology Laboratory of the University of Arkansas for forensic analysis and have remained in storage at the lab at the University of Arkansas. Currently, the human remains are being stored at the Arkansas Archeological Survey's curation facility.

The human remains were identified as two adults (30–45 years). The human remains consisted of one male and one female. No known individuals were identified. No associated funerary objects are present. No diagnostic artifacts were found at site 3MA238 to indicate when these human remains were buried. The cultural and temporal identity of these human remains is difficult to discern and they cannot be clearly culturally affiliated with an Indian tribe.

Determinations Made by the Arkansas State Highway and Transportation Department

Officials of the Arkansas State Highway and Transportation Department have determined that:

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.

• According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of The Osage Nation (previously listed as the Osage Tribe).

• Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Cherokee Nation, The Osage Nation (previously listed as the Osage Tribe), and United Keetoowah Band of Cherokee Indians in Oklahoma.

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Cherokee Nation, The Osage Nation (previously listed as the Osage Tribe), and United Keetoowah Band of Cherokee Indians in Oklahoma.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Kristina Boykin, Arkansas State Highway and Transportation Department, P.O. Box 2261, Little Rock, AR 72203, telephone (501) 569–2079, email *Kristina.Boykin@ahtd.AR.gov,* by September 21, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Cherokee Nation, The Osage Nation (previously listed as the Osage Tribe), and United Keetoowah Band of Cherokee Indians in Oklahoma may proceed.

The Arkansas State Highway and Transportation Department is responsible for notifying the Cherokee Nation, The Osage Nation (previously listed as the Osage Tribe), and United Keetoowah Band of Cherokee Indians in Oklahoma that this notice has been published.

Dated: July 6, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–17645 Filed 8–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–23705; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Peabody Museum of Natural History, Yale University, New Haven, CT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Peabody Museum of Natural History has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Peabody Museum of Natural History. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Peabody Museum of Natural History at the address in this notice by September 21, 2017.

ADDRESSES: Professor David Skelly, Director, Yale Peabody Museum of Natural History, P.O. Box 208118, New Haven, CT 06520–8118, telephone (203) 432–3752.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Peabody Museum of Natural History, Yale University, New Haven, CT. The human remains were removed from a village near Anvik, Yukon-Koyukuk Borough, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Peabody Museum of Natural History professional staff in consultation with a representative of Anvik Village.

History and Description of the Remains

In 1937, human remains representing, at minimum, one individual were removed from a village near Anvik, Yukon-Koyukuk Borough, AK, by the Yale Peabody Museum Alaska Expedition. The human remains represent one adult female. No known individuals were identified. No associated funerary objects are present.

Archeological evidence, historic documentation, and tribal knowledge suggest the lower Yukon River region, including the location of the modern site of Anvik Village, was occupied both prehistorically and historically by the Deg Hit'an. The continuity of culture exhibited in the region supports a cultural affiliation between the individual human remains and the Deg Hit'an who are today represented in this area by Anvik Village.

Determinations Made by the Peabody Museum of Natural History

Officials of the Peabody Museum of Natural History have determined that:

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and Anvik Village.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Professor David Skelly, Director, Yale Peabody Museum of Natural History, P.O. Box 208118, New Haven, CT 06520–8118, telephone (203) 432–3752, by September 21, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to Anvik Village may proceed.

The Peabody Museum of Natural History is responsible for notifying Anvik Village that this notice has been published.

Dated: July 5, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–17650 Filed 8–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–23668; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Valley Authority, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Tennessee Valley Authority (TVA) has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Federally recognized Indian Tribes, and has determined that a cultural affiliation between the human remains and associated funerary objects and any present-day Federally recognized Indian Tribes cannot be reasonably traced. Representatives of any Federally recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to TVA. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Federally recognized Indian Tribe stated in this notice may proceed.

DATES: Representatives of any Federally recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to TVA at the address in this notice by September 21, 2017.

ADDRESSES: Dr. Thomas O. Maher, TVA, 400 West Summit Hill Drive, WT11D, Knoxville TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of TVA. The human remains and associated funerary objects were removed from archeological sites in Franklin County, AL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by TVA professional staff in consultation with representatives of the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Mississippi Band of Choctaw Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Remains

From 1978 to 1979, human remains representing, at minimum, 31 individuals were removed from the Ricker site (1FR310) in Franklin County, AL, by the Alabama Museum of Natural History at the University of Alabama (AMNH). TVA acquired this site on August 18, 1977, for the Cedar Creek Reservoir project. Material culture recovered from this site indicates occupations during the Late Archaic (4000–1000 B.C.), Middle Woodland Lick Creek phase (A.D. 1–300), and Mississippian period (A.D. 1200–1500). The human remains are in the physical custody of AMNH and include children, juveniles, and adults. There are three individuals identified as male and 28 individuals of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

Between September 3 and 18, 1973, human remains representing, at minimum, 12 individuals were removed from site 1FR528, in Franklin County, AL, by AMNH. TVA acquired this site on January 31, 1972, for the Little Bear Creek Reservoir project. Field notes indicate that the site was a stone mound that had been disturbed by looters, and no individual burial units were isolated during excavation. Sherds of limestone-tempered, fabric-marked pottery were found during the excavation and suggest the mound may have been constructed during the Middle Woodland Lick Creek phase (A.D. 1–300). The human remains are in the physical custody of AMNH and include infants, juveniles, and adults of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

From May 26 to August 4, 1977, human remains representing, at minimum, 629 individuals were removed from the Johnson Mound site (1FR571) in Franklin County, AL by AMNH. TVA acquired this site on March 16, 1976, for the Cedar Creek Reservoir project. This site was a small stone mound on the edge of a high bluff in an area of limestone outcrop overlooking the Middle Cedar Creek Valley and had been extensively damaged. Two uncalibrated radiocarbon dates were derived from this site, A.D. 850 ±50 and A.D. 1070 ±70. Studies have suggested that both dates are too late and that this mound is from the Lick Creek phase (A.D. 1–300) during the Middle Woodland period. The human remains and associated funerary objects are in the physical custody of AMNH and include adults, juveniles, children, and infants of both sexes. No known individuals were identified. The 12 associated funerary objects are 1 crinoid stem; 9 shell beads; 1 shell gorget; and 1 soil sample.

Determinations Made by the Tennessee Valley Authority

Officials of TVA have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on their presence in prehistoric archeological sites and osteological analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 672 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 12 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the

Cherokee Nation; Eastern Band of Cherokee Indians; and United Keetoowah Band of Cherokee Indians in Oklahoma.

- The Treaty of September 20, 1816, indicates that the land from which the Native American human remains were removed is the aboriginal land of The Chickasaw Nation.
- Pursuant to 43 CFR 10.11(c)(1)(ii), the disposition of the human remains may be to the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and United Keetoowah Band of Cherokee Indians in Oklahoma. The Cherokee Nation; Eastern Band of Cherokee Indians; and United Keetoowah Band of Cherokee Indians in Oklahoma have declined to accept transfer of control of the human remains.
- Pursuant to 43 CFR 10.11(c)(4), TVA has decided to transfer control of the funerary objects associated with the culturally unidentifiable human remains to The Chickasaw Nation.

Additional Requestors and Disposition

Representatives of any Federally recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Thomas O. Maher, TVA, 400 West Summit Hill Drive, WT11D, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov,* by September 21, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Chickasaw Nation may proceed.

The TVA is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: June 28, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–17700 Filed 8–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–23667; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Valley Authority, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Tennessee Valley Authority (TVA) has completed an inventory of human remains and associated funerary objects in consultation with the appropriate federally recognized Indian Tribes, and has determined that a cultural affiliation between the human remains and associated funerary objects and any present-day federally recognized Indian Tribes cannot be reasonably traced. Representatives of any federally recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to TVA. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the federally recognized Indian Tribe stated in this notice may proceed.

DATES: Representatives of any federally recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to TVA at the address in this notice by September 21, 2017.

ADDRESSES: Dr. Thomas O. Maher, TVA, 400 West Summit Hill Drive, WT11D, Knoxville TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of TVA. The human remains and associated funerary objects were removed from multiple archeological sites in Lawrence, Limestone, Madison, and Morgan Counties, AL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by TVA professional staff in consultation with representatives of the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Mississippi Band of Choctaw Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Remains

In June of 1934, human remains representing, at minimum, 104 individuals were removed from site 1LA16 in Lawrence County, AL, by the Alabama Museum of Natural History at the University of Alabama (AMNH). TVA acquired this site on February 14, 1934, for the Wheeler Reservoir project. Flooding prevented extensive excavation of the site, which is now permanently inundated. There are no radiocarbon dates for this site. The human remains are in the physical custody of AMNH and include adults, juveniles, children, and infants of both sexes. No known individuals were identified. No associated funerary objects are present.

At some time during the 1950s, human remains representing, at minimum, one individual were removed from site 1LI19 in Limestone County, AL, by James Cambron. TVA acquired this site on August 7, 1934, for the Wheeler Reservoir project, but no formal excavations were conducted. Stone tools associated with the Archaic period were collected from the site. The human remains are in the physical custody of AMNH and include one adult, approximately 18 years old, of indeterminate sex. No known individual was identified. No associated funerary objects are present.

At some time during the 1950s, human remains representing, at minimum, three individuals were removed from sites 1LI20 and 1LI21 in Limestone County, AL, by James Cambron. TVA acquired these sites on November 24, 1934, for the Wheeler Reservoir project, but no formal excavations were conducted. Both sites were described as earthen mounds with no chronological placement. The human remains are in the physical custody of AMNH and include one adult male, 30–40 years old, and one adult female, 30–40 years old, from site 1LI20; and one adult female, approximately 50 years old, from site 1LI21. No known individuals were identified. No associated funerary objects are present.

At some time during the 1950s, human remains representing, at minimum, two individuals were removed from sites 1LI25 and 1LI26 in Limestone County, AL, by James Cambron. TVA acquired these sites on December 17, 1935, for the Wheeler Reservoir project, but no formal excavations were conducted. Site 1LI25 was described as an earthen mound, but no chronological placement was determined for either site. The human remains are in the physical custody of AMNH and include one individual, 10–13 years old, of indeterminate sex, from site 1LI25; and one adult of indeterminate sex from site 1LI26. No known individuals were identified. No associated funerary objects are present.

In March of 1934, human remains representing, at minimum, 46 individuals were removed from site 1LI36, in Lawrence County, AL, by AMNH. TVA acquired this site on December 17, 1935, for the Wheeler Reservoir project, and the excavation was conducted with Federal funds in anticipation of the inundation of this site. The site was a shell mound adjacent to the river bank with two raised areas designated Mounds A and B. Mound A was excavated by C.B. Moore in 1914, but artifacts from that excavation are not under TVA's control. Mound B had some evidence of stratification with hearths and burned clay floors, but it is difficult to determine if this mound was primarily due to the collection of village midden, mussel shell, and flood soils over time, or intentionally constructed earthen work. There are no radiocarbon dates available for this site, but artifacts suggest at least two occupations: a Late Woodland McKelvey II phase (A.D. 700–1000) and a Mississippian Hobbs Island phase (A.D. 1200–1450). The human remains and associated funerary objects are in the physical custody of AMNH and include infants, adolescents, and adults of both sexes. No known individuals were identified. The three associated funerary objects are one antler tool, one Mississippi Plain jar, and one Mississippi Plain hemispherical bowl.

From January 1939 to April 1940, human remains representing, at minimum, 232 individuals were removed from the Whitesburg Bridge site (1MA10) in Madison County, AL. TVA acquired this site on July 6, 1936, for the Wheeler Reservoir project, and excavations of both trenches and blocks identified five natural zones (strata). Limestone-tempered Long Branch Fabric Marked ceramics from Zone B suggests an occupation during the Colbert phase (300 B.C.–A.D. 100). Zones D and E were considered pre-ceramic by the excavators and most of the human remains were recovered from Zone D. The presence of ground sandstone and soapstone vessels and Wade and Cotaco Creek projectile points suggest a Late Archaic (4000–1000 B.C.) to Early Woodland (1000–500 B.C.) occupation. The human remains and associated funerary objects are in the physical custody of AMNH and include adults, juveniles, and infants of both sexes. No known individuals were identified. The 1,800 associated funerary objects are 2 bar gorgets; 4 bone awls; 1 bone billet; 2 bone pins; 7 bone punches; 2 bone shaft-wrench; 14 celts (whole and fragments); 1 Cotaco Creek projectile point; 1 Ebenezer projectile point ; 1 grooved stone axe; 1 ground stone tool; 4 ground stone fragments; 1 hafted limestone tool; 1 hammerstone; 2 wolf jaws (headdress); 3 limestone hoes; 1 limestone hoe fragment; 2 limestone fragments; 1 flaked and ground limestone tool; 1 chert knife; 1 Little Bear Creek projectile point; 3 unidentified projectile points; 1 chert preform; 2 sandstone bowls; 224 sandstone bowl sherds; 175 shell and copper beads; 1,217 shell beads; 1 siltstone fragment; 6 soapstone bead fragments; 110 soapstone bowl sherds; 1 stone bead; 2 turtle plastrons; and 5 Wade projectile points.

From February to March of 1934, human remains representing, at minimum, 80 individuals were removed from site 1MG2 in Morgan County, AL, by AMNH. TVA acquired two parcels of land encompassing this site on March 15, 1935, and July 24, 1935, for the Wheeler Reservoir project.The excavation was conducted with Federal funds in anticipation of the inundation of this site. There are no radiocarbon dates from this site, but artifacts suggest occupations from the Late Archaic (4000–1000 B.C.) to the Late Woodland (500–900 B.C.). The human remains are in the physical custody of AMNH and include adults, juveniles, and infants of both sexes. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Tennessee Valley Authority

Officials of TVA have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on their presence in prehistoric archeological sites and osteological analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 468 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 1,803 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; and United Keetoowah Band of Cherokee Indians in Oklahoma.
- The Treaty of September 20, 1816, indicates that the land from which the Native American human remains were removed is the aboriginal land of The Chickasaw Nation.
- Pursuant to 43 CFR 10.11(c)(1)(ii), the disposition of the human remains may be to the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and United Keetoowah Band of Cherokee Indians in Oklahoma. The Chickasaw Nation has declined to accept transfer of control of the human remains.
- Pursuant to 43 CFR 10.11(c)(4), TVA has decided to transfer control of the funerary objects associated with the culturally unidentifiable human remains to the Cherokee Nation; Eastern Band of Cherokee Indians; and United Keetoowah Band of Cherokee Indians in Oklahoma.

Additional Requestors and Disposition

Representatives of any federally recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Thomas O. Maher, TVA, 400 West Summit Hill Drive, WT11D, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov,* by September 21, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Cherokee Nation; Eastern Band of Cherokee Indians; and United Keetoowah Band of Cherokee Indians in Oklahoma may proceed.

The TVA is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: June 28, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–17647 Filed 8–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–23706; PCU00RP14.R50000–PPWOCRDN0]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and Nevada State Museum, Carson City, NV

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, Bureau of Indian Affairs, and Nevada State Museum have completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and have determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Bureau of Indian Affairs. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Bureau of Indian Affairs at the address in this notice by September 21, 2017.

ADDRESSES: Anna Pardo, Museum Program Manager/NAGPRA Coordinator, U.S. Department of the Interior, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and in the physical custody of the Nevada State Museum, Carson City, NV. The human remains and associated funerary objects were removed from multiple sites near Pyramid Lake in Washoe County, NV.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Bureau of Indian Affairs professional staff in consultation with representatives of the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada.

History and Description of the Remains

In 1954, human remains representing, at minimum, one individual were removed from site 26WA0005 near Pyramid Lake in Washoe County, NV. The human remains (AHUR 734/2091) were discovered by a member of the public. Nevada State Museum staff collected the remains and funerary objects. They have been housed at the Nevada State Museum since being collected. No known individuals were identified. The three associated funerary objects are two strings of shells and one fur robe.

In 1965, human remains representing, at minimum, four individuals were removed from site 26WA0274 near Pyramid Lake in Washoe County, NV. The human remains (AHURs 775, 776, 851, and 852) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, nine individuals were removed from site 26WA0275 near Pyramid Lake in Washoe County, NV. The human remains (AHURs 840, 841, 842, 846, 853, 854, 855, 856, and 6037) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. The 429 associated funerary objects include basketry fragments, beads, cordage, flakes, projectile points, wood fragments, animal bones, bark, twigs, and stone materials.

In 1965, human remains representing, at minimum, one individual were removed from site 26WA0280 near Pyramid Lake in Washoe County, NV. The human remains (AHUR 777) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, three individuals were removed from site 26WA0291 near Pyramid Lake in Washoe County, NV. The human remains (AHURs 778, 779, and 2015) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. The 213 associated funerary objects include basketry fragments, cordage, flakes, projectile points, plant fragments, and stone materials.

In 1965, human remains representing, at minimum, one individual were removed from site 26WA0292 near Pyramid Lake in Washoe County, NV. The human remains (AHUR 783) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, three individuals were removed from site 26WA0314 near Pyramid Lake in Washoe County, NV. The human remains (AHURs 780, 781, and 782) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, three individuals were removed from site 26WA0315 near Pyramid Lake in Washoe County, NV. The human remains (AHURs 850, 859, and 2119) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, one individual were removed from site 26WA0321 near Pyramid Lake in Washoe County, NV. The human remains (AHUR 784) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, one individual were removed from site 26WA0322 near Pyramid Lake in Washoe County, NV. The human remains (AHUR 785) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, three individuals were removed from site 26WA0349 near Pyramid Lake in Washoe County, NV. The human remains (AHURs 786, 787, and 788) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, one individual were removed from site 26WA0382 near Pyramid Lake in Washoe County, NV. The human remains (AHUR 2170) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, one individual were removed from site 26WA0384 near Pyramid Lake in Washoe County, NV. The human remains (AHUR 790) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, thirteen individuals were removed from site 26WA0385 near Pyramid Lake in Washoe County, NV. The human remains (AHURs 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, and 803) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, one individual were removed from site 26WA0389 near Pyramid Lake in Washoe County, NV. The human remains (AHUR 2169) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, two individuals were removed from site 26WA0404 near Pyramid Lake in Washoe County, NV. The human remains (AHURs 870 and 871) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. The 28 associated funerary objects include faunal material, stones, and wood fragments.

In 1965, human remains representing, at minimum, one individual were removed from site 26WA0413 near Pyramid Lake in Washoe County, NV. The human remains (AHUR 2171) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, one individual were removed from site 26WA0459 near Pyramid Lake in Washoe County, NV. The human remains (AHUR 804) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, twelve individuals were removed from site 26WA0525 near Pyramid Lake in Washoe County, NV. The human remains (AHURs 835, 836, 837, 844, 845, 847, 848, 849, 857, 858, 866, and 877) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. The 1,883 associated funerary objects include basketry fragments, beads, basketry, cordage, flakes, projectile points, faunal remains, plant fragments, twigs, and stone materials.

In 1965, human remains representing, at minimum, one individual were removed from site 26WA0528 near Pyramid Lake in Washoe County, NV. The human remains (AHUR 805) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, one individual were removed from site 26WA0529 near Pyramid Lake in Washoe County, NV. The human remains (AHUR 806) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, one individual were removed from site 26WA0609 near Pyramid Lake in Washoe County, NV. The human remains (AHUR 807) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, one individual were removed from site 26WA0613 near Pyramid Lake in Washoe County, NV. The human remains (AHUR 808) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1966, human remains representing, at minimum, one individual were removed from site 26WA0714 near Pyramid Lake in Washoe County, NV. The human remains (AHUR 2172) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, one individual were removed from site 26WA0729 near Pyramid Lake in Washoe County, NV. The human remains (AHUR 809) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, one individual were removed from site 26WA0745 near Pyramid Lake in Washoe County, NV. The human remains (AHUR 810) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No

known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, one individual were removed from site 26WA0814 near Pyramid Lake in Washoe County, NV. The human remains (AHUR 811) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, one individual were removed from site 26WA0882 near Pyramid Lake in Washoe County, NV. The human remains (AHUR 812) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1966, human remains representing, at minimum, one individual were removed from site 26WA0953 near Pyramid Lake in Washoe County, NV. The human remains (AHUR 813) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

Sometime during 1973–1974, human remains representing, at minimum, two individuals were removed from site 26WA1014 near Pyramid Lake in Washoe County, NV. The human remains (AHURs 2013 and 2014) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1974, human remains representing, at minimum, four individuals were removed from site 26WA1016 near Pyramid Lake in Washoe County, NV. The human remains (AHURs 862, 863, 864, and 865) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. The 18 associated funerary objects include debitage and stones.

In 1974, human remains representing, at minimum, fifteen individuals were removed from site 26WA1018 near Pyramid Lake in Washoe County, NV. The human remains (AHURs 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 815, 875, 876, and 2176) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

On or before 1971, human remains representing, at minimum, five individuals were removed from site 26WA1019 near Pyramid Lake in Washoe County, NV. The human remains (AHURs 816, 2005, 2006A, and 2007) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. No associated funerary objects are present.

In 1974, human remains representing, at minimum, seven individuals were removed from site 26WA1021 near Pyramid Lake in Washoe County, NV. The human remains (AHURs 720, 721, 722, 723, 724, 725, and 726) were removed by Nevada State Museum staff under an Antiquities Act permit and have been housed at the Nevada State Museum since being collected. No known individuals were identified. The two associated funerary objects are cobble fragments.

In 1961, human remains representing, at minimum, two individuals were removed from site 26WAo224 near Pyramid Lake in Washoe County, NV. The human remains (AHURs 2001 and 2017) were removed by amateur archeologists and donated to the Nevada State Museum where they have been housed since then. No known individuals were identified. No associated funerary objects are present.

On unknown dates between 1965 and 1979, human remains representing, at minimum, forty individuals were removed from unknown sites near Pyramid Lake in Washoe County, NV. The human remains (AHURs 703, 704, 705, 706, 817, 818, 819, 820, 821, 827, 828, 829, 830, 833, 834, 861, 868, 869, 873, 874, 2000, 2002, 2003, 2004, 2008, 2009, 2010, 2012, 2035, 2065, 2158, 2159, 2160, 2161, 2162, and 2178) were removed by amateur archeologists, tribal police, and the general public, and donated to the Nevada State Museum where they have been housed since then. No known individuals were identified. No associated funerary objects are present.

Geographic, historic, and anthropological evidence indicates that the human remains are Native American. The sites from which the human remains and associated funerary objects were removed are within the boundaries of the Pyramid Lake Reservation. Historic documents, archeological and consultation evidence, including tribal oral history, indicate that this area has been occupied by the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, NV, since precontact times. Based on this evidence, the human remains have been determined to be culturally affiliated with the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada.

Determinations Made by the Bureau of Indian Affairs

Officials of the Bureau of Indian Affairs have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 147 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 2,576 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Anna Pardo, Museum Program Manager/NAGPRA Coordinator, U.S. Department of the Interior, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov,* by September 21, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada, may proceed.

The Bureau of Indian Affairs is responsible for notifying the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada, that this notice has been published.

Dated: July 5, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–17651 Filed 8–21–17; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–585–586 and 731–TA–1383–1384 (Preliminary)]

Stainless Steel Flanges From China and India; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–585–586 and 731–TA–1383–1384 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of stainless steel flanges from China and India, provided for in subheadings 7307.21.10 and 7307.21.50 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the governments of China and India. Unless the Department of Commerce extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by October 2, 2017. The Commission's views must be transmitted to Commerce within five business days thereafter, or by October 10, 2017.

DATES: August 16, 2017.

FOR FURTHER INFORMATION CONTACT: Justin Enck (202–205–3363), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to petitions filed on August 16, 2017, by Core Pipe Products, Inc., Carol Stream, Illinois and Maass Flange Corporation, Houston, Texas.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on Wednesday, September 6, 2017, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the conference should be emailed to *William.bishop@usitc.gov* and *Sharon.bellamy@usitc.gov* (DO NOT FILE ON EDIS) on or before September 1, 2017. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before September 11, 2017, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site at *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's rules with respect to electronic filing.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract

personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: August 17, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–17743 Filed 8–21–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–17–036]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: August 25, 2017 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote in Inv. Nos. 701–TA–583 and 731–TA–1381 (Preliminary) (Cast Iron Soil Pipe Fittings from China). The Commission is currently scheduled to complete and file its determination on August 28, 2017; views of the Commission are currently scheduled to be completed and filed on September 5, 2017.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: August 16, 2017.

Katherine M. Hiner,

Supervisory Attorney.

[FR Doc. 2017–17864 Filed 8–18–17; 4:15 pm]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–17–037]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: August 30, 2017 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote in Inv. No. 731–TA–1339 (Final) (Steel Concrete Reinforcing Bar from Taiwan). The Commission is currently scheduled to complete and file its determination and views of the Commission by September 11, 2017.
5. Vote in Inv. Nos. 701–TA–382 and 731–TA–800, 801, and 803 (Third Review) (Stainless Steel Sheet and Strip from Japan, Korea, and Taiwan). The Commission is currently scheduled to complete and file its determinations and views of the Commission by September 20, 2017.
6. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: August 16, 2017.

Katherine M. Hiner,

Supervisory Attorney.

[FR Doc. 2017–17863 Filed 8–18–17; 4:15 pm]

BILLING CODE 7020–02–P

EXECUTIVE OFFICE OF THE PRESIDENT

Office of National Drug Control Policy

Appointment of Members of Senior Executive Service Performance Review Board

AGENCY: Office of National Drug Control Policy (ONDCP).

ACTION: Notice of appointments.

SUMMARY: The following persons have been appointed to the ONDCP Senior Executive Service Performance Review Board: Dr. Terry Zobeck (as Chair), Mr. Michael Gottlieb, Ms. Michele Marx, and Mr. Kemp Chester.

FOR FURTHER INFORMATION CONTACT: Please direct any questions to Michael Passante, Deputy General Counsel (202) 395–6709, Office of National Drug Control Policy, Executive Office of the President, Washington, DC 20503.

Dated: August 16, 2017.

Michael Passante,

Deputy General Counsel.

[FR Doc. 2017–17689 Filed 8–21–17; 8:45 am]

BILLING CODE 3280–F5–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

Agenda

TIME AND DATE: 9:30 a.m., Tuesday, September 12, 2017.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

STATUS: The one item is open to the public.

MATTERS TO BE CONSIDERED:

56955 Highway Accident Report: Collision Between a Car Operating With Automated Vehicle Control Systems and a Tractor-Semitrailer Truck, Near Williston, Florida, May 7, 2016

NEWS MEDIA CONTACT: Telephone: (202) 314–6100.

The press and public may enter the NTSB Conference Center one hour prior to the meeting for set up and seating.

Individuals requesting specific accommodations should contact Rochelle McCallister at (202) 314–6305 or by email at *Rochelle.McCallister@ntsb.gov* by Wednesday, September 6, 2017.

The public may view the meeting via a live or archived Web cast by accessing a link under ''News & Events'' on the NTSB home page at *www.ntsb.gov.*

Schedule updates, including weather-related cancellations, are also available at *www.ntsb.gov.*

FOR MORE INFORMATION CONTACT: Candi Bing at (202) 314–6403 or by email at *bingc@ntsb.gov.*

FOR MEDIA INFORMATION CONTACT: Peter Knudson at (202) 314–6100 or by email at *peter.knudson@ntsb.gov.*

Dated: Thursday, August 17, 2017.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2017–17803 Filed 8–18–17; 11:15 am]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0181]

Identifying and Reporting Human Performance Incidents

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory issue summary; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is seeking public comment on a draft regulatory issue

summary (RIS), RIS 2017–XX, ''Identifying and Reporting Human Performance Incidents.'' This RIS informs licensees of the requirements regarding reporting human performance incidents and how to properly report those matters.

DATES: Submit comments by September 21, 2017. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0181. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: TWFN–8–D36M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Carmen Franklin, Office of Nuclear Regulatory Research, telephone: 301–415–2386, email: *Carmen.Franklin@nrc.gov* and Alexander Schwab, Office of Nuclear Reactor Regulation, telephone: 301–415–8539, email: *Alexander.Schwab@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0181 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0181.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The draft RIS, ''Identifying and Reporting Human Performance Incidents'' is available in ADAMS under Accession No. ML16029A010.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2017–0181 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

Humans are integral to the safe operation of nuclear power plants. In the late 1970s, the NRC began to focus on ensuring adequate training of plant staff to perform their assigned tasks. The NRC studied the effects of shift work on health, and whether control room simulators would improve training, both factors affecting performance. The agency uses human factors information provided by licensees, as required by § 50.73(b)(2)(ii)(J) of title 10 of the *Code of Federal Regulations,* as a means to monitor and track human performance by highlighting concerns in the areas of training, procedures, fitness for duty, oversight, problem identification and resolution, communication, human system interface environments, and work planning and practice. The information is used to assist in programmatic oversight of training, procedures, safety culture, human system interface, communication, and inspections. Specifically, the information is used to support the Reactor Oversight Process (ROP) by tracking and trending various levels of human performance-related causes of safety-significant events, identifying precursors, and providing either plant-specific or generic insights into ROP cross cutting areas, which include human performance, problem identification and resolution, and safety conscious work environment.

The NRC issues RISs to communicate with stakeholders on a broad range of regulatory matters. This may include communicating and clarifying the NRC's technical or policy positions on regulatory matters that have not been communicated to, or are not broadly understood by, the nuclear industry.

III. Proposed Action

The NRC is requesting public comments on the draft RIS 2017–XX. The NRC staff will make a final determination regarding issuance of the RIS after it considers any public comments received in response to this request.

Dated at Rockville, Maryland, this 16th day of August, 2017.

For the Nuclear Regulatory Commission.

Alexander D. Garmoe,

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

[FR Doc. 2017–17678 Filed 8–21–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0001]

Sunshine Act Meeting Notice

DATE: Weeks of August 21, 28, September 4, 11, 18, 25, 2017.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of August 21, 2017—Tentative

There are no meetings scheduled for the week of August 21, 2017.

Week of August 28, 2017—Tentative

There are no meetings scheduled for the week of August 28, 2017.

Week of September 4, 2017—Tentative

Wednesday, September 6, 2017

1:30 p.m. NRC All Employees Meeting (Public Meeting), Marriott Bethesda North Hotel, 5701 Marinelli Road, Rockville, MD 20852.

Thursday, September 7, 2017

10:00 a.m. Briefing on NRC International Activities (Closed—Ex. 1 & 9)

Week of September 11, 2017—Tentative

There are no meetings scheduled for the week of September 11, 2017.

Week of September 18, 2017—Tentative

There are no meetings scheduled for the week of September 18, 2017.

Week of September 25, 2017—Tentative

There are no meetings scheduled for the week of September 25, 2017.

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.*

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email *Brenda.Akstulewicz@nrc.gov* or *Patricia.Jimenez@nrc.gov.*

Dated: August 17, 2017.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2017–17801 Filed 8–18–17; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0275]

Information Collection: Comprehensive Decommissioning Program, Including Annual Data Collection

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, ''Comprehensive Decommissioning Program, Including Annual Data Collection.''

DATES: Submit comments by September 21, 2017.

ADDRESSES: Submit comments directly to the OMB reviewer at: Aaron Szabo, Desk Officer, Office of Information and Regulatory Affairs (3150–0206), NEOB–10202, Office of Management and Budget, Washington, DC 20503; telephone: 202–395–3621, email: *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance Officer, Mail Stop: T–2 F43, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0275 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0275. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2016–0275 on this Web site.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The supporting statement is available in ADAMS under Accession ML17150A283.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, Mail Stop: T–2 F43, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

B. Submitting Comments

Please include Docket ID NRC–2016–0275 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, ''Comprehensive Decommissioning Program, Including Annual Data Collection.'' The NRC hereby informs

potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on March 17, 2017, 82 FR 14237.

1. *The title of the information collection:* Comprehensive Decommissioning Program, Including Annual Data Collection.

2. *OMB approval number:* 3150–0206.

3. *Type of submission:* Extension.

4. *The form number if applicable:* N/A.

5. *How often the collection is required or requested:* Annually.

6. *Who will be required or asked to respond:* All Agreement States who have signed Section 274(b) Agreements with the NRC.

7. *The estimated number of annual responses:* 69 (45 responses from Agreement States with sites of interest + 24 responses from Agreement States with no sites of interest).

8. *The estimated number of annual respondents:* 37 (13 Agreement States respondents with sites of interest + 24 Agreement States respondents with no sites of interest).

9. An estimate of the total number of hours needed annually to comply with the information collection requirement or request: 432 (360 hours from Agreement States with sites of interest + 72 hours from Agreement States with no sites of interest).

10. Abstract: The Agreement States will be asked to provide information about uranium recovery and complex sites undergoing decommissioning regulated by the Agreement States on an annual basis. The information request will allow the NRC to compile, in a centralized location, more complete information on the status of decommissioning and decontamination in the United States in order to provide a national perspective on decommissioning. The information will be made available to the public by the NRC in order to ensure openness and promote communication to enhance public knowledge of the national decommissioning program. This does not apply to information, such as trade secrets and commercial or financial information provided by the Agreement States, that is considered privileged or confidential.

Dated at Rockville, Maryland, this 16th day of August 2017.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2017–17706 Filed 8–21–17; 8:45 am]

BILLING CODE 7590–01–P

PEACE CORPS

Information Collection Request; Submission for OMB Review

AGENCY: Peace Corps.

ACTION: 30-day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 30 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

DATES: Submit comments on or before September 21, 2017.

ADDRESSES: Comments should be addressed to Denora Miller, FOIA/Privacy Act Officer. Denora Miller can be contacted by telephone at 202–692–1236 or email at *pcfr@peacecorps.gov.* Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Denora Miller at Peace Corps address above.

SUPPLEMENTARY INFORMATION:

Title: Questionnaire for Peace Corps Volunteer Background Investigation.

OMB Control Number: 0420–0001.

Type of Request: Review/Re-approve.

Affected Public: Individuals.

Respondents Obligation to Reply: Voluntary.

Respondents: Potential and current volunteers.

Burden to the Public:

Estimated burden (hours) of the collection of information:

a. *Number of respondents:* 5000.

b. *Frequency of response:* one time.

c. *Completion time:* 2 minutes.

d. *Annual burden hours:* 167 hours.

General Description of Collection: The Office of Volunteer Recruitment and Selection uses the Questionnaire for Peace Corps Volunteer Background Investigation form (BI form) as authorization from the invited Peace Corps Volunteer applicant to conduct a background check through the Office of Personnel Management (OPM) or other contract background investigator of pertinent records pertaining to applicants' interactions with the judicial system, qualifications, eligibility and suitability for Peace Corps volunteer service.

Request for Comment: Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC, on August 17, 2017.

Denora Miller,

FOIA/Privacy Act Officer, Management.

[FR Doc. 2017–17732 Filed 8–21–17; 8:45 am]

BILLING CODE 6051–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Combined Federal Campaign Annuitant Pledge Form, OPM Form 1654–B

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Office of Combined Federal Campaign (OCFC), Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on the implementation of a new information collection request, Combined Federal Campaign Annuitant Pledge Form, which include OPM Form 1654–B.

DATES: Comments are encouraged and will be accepted until October 23, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the U.S. Office of Personnel Management, Office of Combined Federal Campaign, 1900 E Street NW., Room 6464, Washington, DC 20415, Attention: Marcus Glasgow or sent via electronic mail to *cfc@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the U.S. Office of Personnel Management, Office of Combined Federal Campaign, 1900 E

Street NW., Room 6484, Washington, DC 20415, Attention: Marcus Glasgow or sent via electronic mail to *cfc@opm.gov.*

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The Office of Personnel Management is particularly interested in comments that:

1. 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;

2. 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;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

The Combined Federal Campaign (CFC) is the world's largest and most successful annual workplace philanthropic giving campaign. The mission of the CFC is to promote and support philanthropy through a program that is employee-focused, cost-efficient, and effective in providing all federal employees the opportunity to improve the quality of life for all. With the signing of Executive Order 13743 on October 13, 2016, authorizing the solicitation of federal annuitants, the Combined Federal Campaign Annuitant Pledge Form will be used to collect and process federal annuitant and military retirees' pledges through the Combined Federal Campaign.

Analysis

Agency: Office of Combined Federal Campaign, Office of Personnel Management.

Title: OPM Form 1654–B.

OMB Number: OMB Control No. 3206–NEW.

Frequency: Annually.

Affected Public: Individuals or Households.

Number of Respondents: 250,000.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 125,000 hours.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–17763 Filed 8–21–17; 8:45 am]

BILLING CODE 6325–46–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2017–269 and CP2017–270]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 24, 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).:* CP2017–269; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 16, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Lawrence Fenster; *Comments Due:* August 24, 2017.

2. *Docket No(s).:* CP2017–270; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 7 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 16, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Lawrence Fenster; *Comments Due:* August 24, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–17729 Filed 8–21–17; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81406; File No. SR–NASDAQ–2017–081]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of a Proposed Rule Change To Extend the Implementation Date for Certain Changes to the Rule 5700 Series and Rule 5810

August 16, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 7, 2017, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the date on which certain changes concerning the continued listing requirements for exchange-traded products (''ETPs'') in the Nasdaq Rule 5700 Series, as well as a related amendment to Nasdaq Rule 5810 (Notification of Deficiency by the Listing Qualifications Department), are implemented.

The Exchange proposes to delay the implementation date of these changes until July 1, 2018. Given the scope of the proposed rule changes, the Exchange believes that this will ensure that ETP issuers have adequate time to develop and put into operation the new processes and systems necessitated by them.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On September 30, 2016, the Exchange filed a proposed rule change, as subsequently amended by Amendments No. 1 and 2 thereto, and as supplemented by two clean-up filings[3] (as amended and supplemented, collectively, the ''Proposed Rule Change''), to adopt certain changes to the Nasdaq Rule 5700 Series, as well as a related amendment to Nasdaq Rule 5810 (Notification of Deficiency by the Listing Qualifications Department), to add additional continued listing standards for ETPs, as well as clarify the procedures that the Exchange will undertake when an ETP is noncompliant with applicable rules.

On May 3, 2017, the Exchange filed to extend the implementation date from August 1, 2017 until October 1, 2017.[4] The Exchange now proposes to extend the implementation date of the amendments specified in the Proposed Rule Change to July 1, 2018.

Since the Proposed Rule Change was approved, the Exchange has engaged in extensive conversations with issuers of listed ETPs, industry advocacy groups and index providers to discuss the new rule requirements and offer guidance on rule interpretation and application.[5] As a result of these conversations, ETP issuers have expressed concern about their ability to have in place systems and procedures to ensure compliance by the current October 1, 2017 implementation date. In particular, listed ETP issuers, and industry advocacy groups on their behalf, have explained that issuers will require time to design and test new compliance systems as well as engage in discussions with third-party providers to source and track new data elements required for rule compliance.[6]

The Exchange believes it is appropriate to extend the implementation date of the Proposed Rule Change to July 1, 2018 to provide listed ETP issuers with the time needed to develop and test their compliance procedures. In support of its proposal, the Exchange notes that the Proposed Rule Change imposes significant new compliance requirements on issuers that they have not been subject to previously. To meet these new compliance requirements, issuers must develop internal systems as well as coordinate with third-party service providers, such as index providers, to develop procedures by which they can obtain essential data. Listed issuers have informed the Exchange that they are unable to complete this extensive project by the pending October 1, 2017 implementation date. The Exchange believes that it is critical for listed ETP issuers to have the appropriate procedures and systems in place to monitor and evidence ETP compliance with the new continued listing rules before such rules are implemented. Therefore, the Exchange proposes to extend the implementation date for the Proposed Rule Change until July 1, 2018.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is consistent with the protection of investors because it will enable listed issuers to have the systems and procedures needed to monitor and evidence compliance with the Proposed Rule Change prior to such rule being implemented. Providing

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 79081 (Oct. 11, 2016), 81 FR 71548 (Oct. 17, 2016) (SR–NASDAQ–2016–135); *see also* Securities Exchange Act Release No. 80708 (May 17, 2017), 82 FR 23690 (May 23, 2017) (SR–NASDAQ–2017–040); *see also* Securities Exchange Act Release No. 80810 (May 30, 2017), 82 FR 26205 (June 6, 2017) (SR–NASDAQ–2017–052).

[4] *See* Securities Exchange Act Release No. 80708 (May 17, 2017), 82 FR 23690 (May 23, 2017) (SR–NASDAQ–2017–040).

[5] In addition to submitting the index components to the Exchange on a quarterly basis, the Exchange believes that it would be appropriate for issuers to review the index components for compliance with the continued listing requirements in connection with index rebalances, reconstitutions, or other material changes to the index components.

[6] *See,* for example, Letter, dated July 11, 2017, from Dorothy Donohue, Acting General Counsel, Investment Company Institute to Brent J. Fields, Secretary, Securities and Exchange Commission, available at *https://www.sec.gov/comments/sr-nasdaq-2016-135/nasdaq2016135-1846208-155175.pdf.*

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

listed issuers with additional time to ensure that they have adequate compliance systems in place furthers the protection of investors and the public interest because it will enhance investor confidence that listed issuers are complying with Exchange rules.

For these reasons, Nasdaq believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange believes that the proposed rule change will facilitate listed issuer ability to monitor and evidence compliance with approved continued listing rules by providing issuers with additional time to develop and test their internal systems and procedures prior to the implementation date.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange received a copy of a letter from the Investment Company Institute, on behalf of listed ETP issuers, to the SEC.[9] As described in Item 3 [sic], above, the Investment Company Institute detailed challenges that listed ETP issuers are facing in developing compliance systems to address the amendments contained in the Proposed Rule Change and have requested that the implementation date for such amendments be extended to July 1, 2018.

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.

[9] *See* Footnote 6, *infra.* [sic]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2017–081 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–NASDAQ–2017–081.* This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2017–081 and should be submitted on or before September 12, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–17682 Filed 8–21–17; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81408; File No. SR–NYSEAMER–2017–04]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the NYSE American Options Fee Schedule

August 16, 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 August 1, 2017, NYSE American LLC (the ''Exchange'' or ''NYSE American'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to modify the NYSE American Options Fee Schedule (''Fee Schedule''). The Exchange proposes to implement the fee change effective August 1, 2017. 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,

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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 purpose of this filing is to amend the Fee Schedule effective August 1, 2017. Specifically, the Exchange proposes to modify the fees for Firm Electronic transactions in Penny Pilot issues, and to offer an incentive for ATP Holders to electronically transact business of Broker-Dealers, Firms, Non-NYSE American Market Makers, and Professional Customers (''Non Customer/Non Market Maker Interest'') on the Exchange.

Currently, the Exchange charges $0.42 per contract for Electronic executions in Penny Pilot issues that clear in the Firm range. The Exchange proposes to modify that fee to $0.47, which is similar to transaction charges fees paid on other exchanges.[4] The Exchange does not propose to alter the per contract fee of $0.75 for Electronic executions in Non-Penny Pilot issues that clear in the Firm range.

Additionally, the Exchange proposes to offer reduced fees to encourage ATP Holders to transact additional Non Customer/Non Market Maker Interest on the Exchange.[5] Specifically, the Exchange proposes to charge a reduced per contract rate on Electronic executions of $0.36 per contract for Penny Pilot Issues, and $0.60 per contract for Non-Penny Pilot Issues, to ATP Holders that transact at least 0.05% of TCADV above that ATP Holder's 2nd Quarter 2017 Non-Customer, Non-Market Maker Interest.[6] However, the Exchange would exclude from this TCADV calculation Electronic executions in the following: CUBE, QCC, Strategy Executions, and any ''Routed Volume,'' *i.e.,* any volume attributable to orders routed to another exchange in connection with the Options Order Protection and Locked/Crossed Market Plan referenced in Rule 991NY. The Exchange notes that this proposed rate is comparable to pricing incentives offered on other options exchanges, including MIAX.[7]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[9] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes the proposed increased fee for Firm Electronic transactions in Penny Pilot Issues is reasonable as it is competitive with rates changes by other options exchanges for Firm transactions.[10]

The Exchange believes that the proposed reduced fees for Non-Customer/Non-Market Maker Interest executed on the Exchange are fair, equitable and not unreasonably discriminatory. The Exchange believes the proposed reduced rates are reasonably designed to encourage ATP Holders that transact Non-Customer/Non-Market Maker Interest to direct this order flow to the Exchange. To the extent this goal is achieved, the Exchange would improve its overall competitiveness and strengthen its market quality for all market participants. The proposed rates are fair and equitable and not unreasonably discriminatory because they apply equally to all ATP Holders that transact Non-Customer/Non-Market Maker Interest. In addition, the proposed changes are equitable and not unfairly discriminatory because, while only Non-Customer/Non-Market Maker Interest qualifies for the reduced fees, any increase in this type of order flow would attract greater volume and liquidity of all account type [sic] to the Exchange, which benefit all market participants by providing more trading opportunities and tighter spreads.

Finally, the Exchange believes that the proposed reduced rates are not unfairly discriminatory to Market Makers or Customers. The Exchange offers separate incentives to Market Makers, which incentives take into account the distinct obligations of Market Makers) [sic]. Further, the Exchange does not impose any fee on Electronic executions of Customer interest.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[11] the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed fee increase for Electronic executions in Penny Pilot Issues that clear in the Firm range are competitive with rates charged by other options exchanges, and therefore do not impose any undue burden on competition.[12] In addition, the Exchange believes that the proposed reduced rates for Non-Customer/Non-Market Maker Interest executed on the Exchange rule change would increase both intermarket and intramarket competition by incenting ATP Holders to direct this type of interest to the Exchange, which would enhance the quality of the Exchange's markets and increase the volume of contracts traded here. To the extent that this purpose is achieved, all the Exchange's market participants would benefit from the improved market liquidity. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow directed to the Exchange will benefit all market participants and improve competition on the Exchange. The proposed changes are intended to promote competition and better improve the Exchange's competitive position and make the Exchange a more attractive marketplace in order to encourage market participants to bring increased volume to the Exchange. To the extent that the proposed changes make the Exchange a more attractive marketplace

[4] *See, e.g.,* MIAX Options Exchange (''MIAX'') fee schedule, *available here, https://www.miaxoptions.com/sites/default/files/fee_schedule-files/MIAX_Options_Fee_Schedule_06302017.pdf* (charging $0.47 per contract for electronic executions in Penny Pilot Issues that clear in the Firm range); NASDAQ PHLX LLC (''PHLX'') Pricing Schedule, *available here, http://www.nasdaqtrader.com/Micro.aspx?id=phlxpricing* (charging $0.48 per contract for electronic executions in Penny Pilot Issues that clear in the Firm range).

[5] *See* proposed note 8 to Section I.A. (Options Transactions and Credits, Rates for Options transactions) of the Fee Schedule. The Exchange notes that executions via the BOLD Mechanism would be included in the TCADV calculation.

[6] Currently, the Exchange charges ATP Holders transacting Non-Customer/Non-Market Maker Interest (excluding Firms) a per contract rate of $0.50 per contract for Penny Pilot Issues, and $0.75 per contract for Non-Penny Pilot Issues. The Exchange does not propose to alter these base rates.

[7] *See supra* note 4, MIAX fee schedule, Section (1)(a)(iv) (providing a per contract credit for certain orders executed on the exchange, provided the Member achieves certain ''Professional'' volume increase percentage thresholds in the month relative to a baseline period, which credits result in a per-contract rates [sic] similar to the Exchange's proposal). MIAX similarly excludes from this calculation certain volumes, including executions in price improvement auctions, QCCs, as well as Routed Volume. The following are considered ''Professional'' interest on MIAX: Public Customers, that are not Priority Customers; non-MIAX Options Market Makers; non-Member Broker-Dealers; or Firms.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4) and (5).

[10] *See supra* note 4.

[11] 15 U.S.C. 78f(b)(8).

[12] *See supra* note 4.

for market participants at other exchanges, such market participants are welcome to become ATP Holders.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

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

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [13] of the Act and subparagraph (f)(2) of Rule 19b–4 [14] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[15] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEAMER–2017–04 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–NYSEAMER–2017–04. 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–NYSEAMER–2017–04, and should be submitted on or before September 12, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–17684 Filed 8–21–17; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(2).

[15] 15 U.S.C. 78s(b)(2)(B).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81410; File No. TP 17–10]

Order Granting Limited Exemptions From Exchange Act Rule 10b–17 and Rules 101 and 102 of Regulation M to IQ Real Return ETF Pursuant to Exchange Act Rule 10b–17(b)(2) and Rules 101(d) and 102(e) of Regulation M

August 16, 2017.

By letter dated August 16, 2017 (the ''Letter''), as supplemented by conversations with the staff of the Division of Trading and Markets, counsel for IndexIQ ETF Trust (the ''Trust''), on behalf of the Trust and one of its investment portfolios, the IQ Real Return ETF (the ''Fund''), NYSE Arca, Inc. (''NYSE Arca'') or other national securities exchanges on or through which shares issued by the Fund (''Shares'') may subsequently trade, ALPS Distributors, Inc. (the ''Distributor''), and persons or entities engaging in transactions in Shares (collectively, the ''Requestors''), requested exemptions, or interpretive or no-action relief, from Rule 10b–17 of the Securities Exchange Act of 1934, as amended (''Exchange Act''), and Rules 101 and 102 of Regulation M, in connection with secondary market transactions in Shares and the creation or redemption of aggregations of Shares of at least 50,000 shares (''Creation Units'').

The Trust is registered with the Securities and Exchange Commission (''Commission'') under the Investment Company Act of 1940, as amended (''1940 Act''), as an open-end management investment company. The Fund is a ''fund of funds'' that is passively managed according to an index. The Fund is designed to track the performance of the IQ Real Return Index (''Index''), which seeks to provide investors with a hedge against the U.S. inflation rate by providing a ''real return,'' or a return above the rate of inflation, as represented by the Consumer Price Index (''CPI'').

At least 80% of the Fund's portfolio holdings are, and will be, shares of some or all of the exchange-traded products (''ETPs'') that constitute the Index. The Fund operates in a manner very similar to that of the ETPs held in its portfolio. Some or all of the remaining 20% may be invested in securities that are not Index constituents that the Fund's adviser believes will help the Fund track the Index, as well as cash, cash equivalents and various types of financial instruments including, but not

limited to, futures contracts, swap agreements, forward contracts, reverse repurchase agreements, and options on securities, indices, and futures contracts. In no case will the Fund hold any non-ETP equity security issued by a single issuer in excess of 20% of the Fund's portfolio holdings.

The Letter states that the Fund is relying on Class Relief Letters (as defined in the Letter), but is seeking individual relief for the same reasons as did nine other investment portfolios of the Trust [1]—that is, to manage a portfolio with less than twenty ''Component Securities'' that, from time to time, might also hold also hold a Component Security in excess of 25% of the total value of such portfolio.[2]

The Requestors represent, among other things, the following:

- Shares of the Fund will be issued by the Trust, an open-end management investment company that is registered with the Commission;
- The Trust will continuously redeem Creation Units at net asset value (''NAV''), and the secondary market price of the Shares should not vary substantially from the NAV of such Shares;
- Shares of the Fund will be listed and traded on the NYSE Arca (the ''Exchange'') or other exchange in accordance with exchange listing standards that are, or will become, effective pursuant to Section 19(b) of the Exchange Act;
- Each ETP in which the Fund is invested will meet all conditions set forth in a relevant class relief letter,[3] or will have received individual relief from the Commission;
- The value of the Index will be publicly disseminated by a major market data vendor throughout the trading day, and all of the components of the Index will have publicly available last sale trade information;
- On each business day before the opening of business on the Exchange, the Fund's custodian, through the National Securities Clearing Corporation, will make available the list of the names and the numbers of securities and other assets of the Fund's portfolio that will be applicable that day to creation and redemption requests;
- The Exchange or other market information provider will disseminate every 15 seconds throughout the trading day through the facilities of the Consolidated Tape Association an amount representing the current value of the cash and securities held in the portfolio of the Fund (not including corporate actions, expenses, and other adjustments made to such portfolio throughout the day) (''Estimated NAV'');
- At least 80% of the Fund's portfolio holdings are, and will be, shares of some or all of the ETPs that are the Index constituents;
- The Fund will invest in securities that will facilitate an effective and efficient arbitrage mechanism and the ability to create workable hedges;
- The Requestors believe that arbitrageurs can be expected to take advantage of price variations between the Fund's market price and its NAV;
- The arbitrage mechanism will be facilitated by the transparency of the Fund's portfolio and the availability of the Estimated NAV, the liquidity of securities and other assets held by the Fund, and the ability to acquire such securities, as well as arbitrageurs' ability to create workable hedges; and
- A close alignment between the market price of Shares and the Fund's NAV is expected.

Regulation M

While redeemable securities issued by an open-end management investment company are excepted from the provisions of Rule 101 and 102 of Regulation M, the Requestors may not rely upon that exception for the Shares.[4] However, we find that it is appropriate in the public interest, and is consistent with the protection of investors, to grant a limited exemption from Rules 101 and 102 to persons who may be deemed to be participating in a distribution of Shares and the Fund as described in more detail below.

Rule 101 of Regulation M

Generally, Rule 101 of Regulation M is an anti-manipulation rule that, subject to certain exceptions, prohibits any ''distribution participant'' and its ''affiliated purchasers'' from bidding for, purchasing, or attempting to induce any person to bid for or purchase, any security which is the subject of a distribution until after the applicable restricted period, except as specifically permitted in the rule. Rule 100 of Regulation M defines ''distribution'' to mean any offering of securities that is distinguished from ordinary trading transactions by the magnitude of the offering and the presence of special selling efforts and selling methods. The provisions of Rule 101 of Regulation M apply to underwriters, prospective underwriters, brokers, dealers, or other persons who have agreed to participate or are participating in a distribution of securities. The Shares are in a continuous distribution and, as such, the restricted period in which distribution participants and their affiliated purchasers are prohibited from bidding for, purchasing, or attempting to induce others to bid for or purchase extends indefinitely.

Based on the representations and facts presented in the Letter, particularly that the Trust is a registered open-end management investment company that will continuously redeem at the NAV Creation Unit size aggregations of the Shares of the Fund and that a close alignment between the market price of Shares and the Fund's NAV is expected, the Commission finds that it is appropriate in the public interest, and consistent with the protection of investors, to grant the Trust an exemption under paragraph (d) of Rule 101 of Regulation M with respect to Shares of the Fund, thus permitting persons participating in a distribution of Shares of the Fund to bid for or purchase such Shares during their participation in such distribution.[5]

[1] *See* Order Granting Limited Exemptions from Exchange Act Rule 10b–17 and Rules 101 and 102 of Regulation M, Exchange Act Rel. No. 77779 (May 6, 2016); Letter from Josephine J. Tao, Esq., Assistant Director, Division of Trading and Markets, to Kathleen H. Moriarty, Esq., Katten Muchin Rosenman LLP (Mar. 25, 2009) (revised Apr. 2, 2009).

[2] *Cf.* Letter from James A. Brigagliano, Esq., Acting Associate Director, Division of Market Regulation, to Stuart M. Strauss, Esq., Clifford Chance US LLP (Oct. 24, 2006) (granting relief to exchange-traded funds (''ETFs'') that, among other things, consist of a basket of twenty or more ''Component Securities'' with no one ''Component Security'' constituting more than 25% of the total value of the exchange-traded fund).

[3] Letter from Josephine Tao, Assistant Director, Division of Trading and Markets, to Domenick Pugliese, Esq., Paul, Hastings, Janofsky and Walker LLP (June 27, 2007); Letter from James A. Brigagliano, Associate Director, Division of Market Regulation, to Benjamin Haskin, Esq., Willkie, Farr & Gallagher LLP (Apr. 9, 2007); Letter from James A. Brigagliano, Acting Associate Director, Division of Market Regulation, to Stuart M. Strauss, Esq., Clifford Chance US LLP (Oct. 24, 2006); Letter from Racquel L. Russell, Branch Chief, Division of Market Regulation, to George T. Simon, Esq., Foley & Lardner LLP (June 21, 2006); Letter from Catherine McGuire, Esq., Chief Counsel, Division of Market Regulation, to the Securities Industry Association Derivative Products Committee (Nov. 21, 2005); *see also* Staff Legal Bulletin No. 9, ''Frequently Asked Questions About Regulation M'' (Apr. 12, 2002) (regarding actively managed ETFs).

[4] While ETFs operate under exemptions from the definitions of ''open-end company'' under section 5(a)(1) of the 1940 Act and ''redeemable security'' under section 2(a)(32) of the 1940 Act, the Fund and its securities do not meet those definitions.

[5] Additionally, we confirm the interpretation that a redemption of Creation Unit size aggregations of Shares of the Fund and the receipt of securities in exchange by a participant in a distribution of Shares of the Fund would not constitute an ''attempt to induce any person to bid for or purchase, a covered security during the applicable restricted period'' within the meaning of Rule 101 of Regulation M and, therefore, would not violate that rule.

Rule 102 of Regulation M

Rule 102 of Regulation M prohibits issuers, selling security holders, or any affiliated purchaser of such person from bidding for, purchasing, or attempting to induce any person to bid for or purchase a covered security during the applicable restricted period in connection with a distribution of securities effected by or on behalf of an issuer or selling security holder.

Based on the representations and facts presented in the Letter, particularly that the Trust is a registered open-end management investment company that will redeem at the NAV Creation Units of Shares of the Fund and that a close alignment between the market price of Shares and the Fund's NAV is expected, the Commission finds that it is appropriate in the public interest, and consistent with the protection of investors, to grant the Trust an exemption under paragraph (e) of Rule 102 of Regulation M with respect to Shares of the Fund, thus permitting the Fund to redeem Shares of the Fund during the continuous offering of such Shares.

Rule 10b–17

Rule 10b–17, with certain exceptions, requires an issuer of a class of publicly traded securities to give notice of certain specified actions (for example, a dividend distribution) relating to such class of securities in accordance with Rule 10b–17(b). Based on the representations and facts presented in the Letter, and subject to the conditions below, we find that it is appropriate in the public interest, and consistent with the protection of investors, to grant the Trust a conditional exemption from Rule 10b–17 because market participants will receive timely notification of the existence and timing of a pending distribution, and thus the concerns that the Commission raised in adopting Rule 10b–17 will not be implicated.[6]

Conclusion

It is hereby ordered, pursuant to Rule 101(d) of Regulation M, that the Trust, based on the representations and the facts presented in the Letter, is exempt from the requirements of Rule 101 with respect to Shares of the Fund, thus permitting persons who may be deemed to be participating in a distribution of Shares of the Fund to bid for or purchase such Shares during their participation in such distribution.

It is further ordered, pursuant to Rule 102(e) of Regulation M, that the Trust, based on the representations and the facts presented in the Letter, is exempt from the requirements of Rule 102 with respect to Shares of the Fund, thus permitting the Fund to redeem Shares of the Fund during the continuous offering of such Shares.

It is further ordered, pursuant to Rule 10b–17(b)(2), that the Trust, based on the representations and the facts presented in the Letter, and subject to the conditions below, is exempt from the requirements of Rule 10b–17 with respect to transactions in the Shares of the Fund.

This exemptive relief is subject to the following conditions:

- The Trust will comply with Rule 10b–17 except for Rule 10b–17(b)(1)(v)(a) and (b); and
- The Trust will provide the information required by Rule 10b–17(b)(1)(v)(a) and (b) to the Exchange as soon as practicable before trading begins on the ex-dividend date, but in no event later than the time when the Exchange last accepts information relating to distributions on the day before the ex-dividend date.

This exemptive relief is subject to modification or revocation at any time the Commission determines that such action is necessary or appropriate in furtherance of the purposes of the Exchange Act. This exemption is based on the facts presented and the representations made in the Letter. Any different facts or representations may require a different response. Persons relying upon this exemptive relief shall discontinue transactions involving the Shares of the Fund, pending presentation of the facts for the Commission's consideration, in the event that any material change occurs with respect to any of the facts or representations made by the Requestors and, as is the case with all preceding letters, particularly with respect to the close alignment between the market price of Shares and the Fund's NAV. In addition, persons relying on this exemptive relief are directed to the anti-fraud and anti-manipulation provisions of the Exchange Act, particularly Sections 9(a) and 10(b), and Rule 10b–5 thereunder. Responsibility for compliance with these and any other applicable provisions of the federal securities laws must rest with the persons relying on this exemptive relief.

This Order should not be considered a view with respect to any other question that the proposed transactions may raise, including, but not limited to the adequacy of the disclosure concerning, and the applicability of other federal or state laws to, the proposed transactions.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–17688 Filed 8–21–17; 8:45 am]

BILLING CODE 8011–01–P

[6] We also note that timely compliance with Rule 10b–17(b)(1)(v)(a) and (b) would be impractical because it is not possible for the Fund to accurately project ten days in advance what dividend, if any, would be paid on a particular record date. Further, the Commission finds, based upon the representations in the Letter, that the provision of the notices as described in the Letter would not constitute a manipulative or deceptive device or contrivance comprehended within the purpose of Rule 10b–17.

[7] 17 CFR 200.30–3(a)(6) and (9).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81409; File No. SR–Phlx–2017–67)]

Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing of Proposed Rule Change Related to the Floor Requirements

August 16, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 3, 2017, NASDAQ PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Commentary .01 of Rule 1014, Obligations and Restrictions Applicable to Specialists and Registered Options Traders, to change quarterly trading requirements applicable to Registered Options Traders (''ROTs''), as described below.[3]

The text of the proposed rule change is set forth below. Proposed new language is italicized; deletions are bracketed.

* * * * *

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A Registered Options Trader or ROT is a regular member of the Exchange located on the trading floor who has received permission from the Exchange to trade in options for his own account. *See* Exchange Rule 1014(b)(i).

Rule 1014 Obligations and Restrictions Applicable to Specialists and Registered Options Traders

(a)–(g) No change.

Commentary

.01 An ROT electing to engage in Exchange options transactions is designated as a specialist on the Exchange for all purposes under the Securities Exchange Act of 1934 and the rules and regulations thereunder with respect to options transactions initiated and effected by him on the floor in his capacity as an ROT. For purposes of this commentary, the term ''transactions initiated and effected on the floor'' shall not include transactions initiated by an ROT off the floor, but which are considered ''on-floor'' pursuant to Commentaries .07 and .08 of Rule 1014. Similarly, an RSQT electing to engage in Exchange options transactions is designated as a specialist on the Exchange for all purposes under the Securities Exchange Act of 1934 and the rules and regulations thereunder with respect to options transactions initiated and effected by him in his capacity as an ROT.

[An ROT (other than an RSQT or a Remote Specialist)] *A non-SQT ROT* is required to trade *either (a)* 1,000 contracts and 300 transactions*, or (b) 10,000 contracts and 100 transactions,* on the Exchange each quarter. Transactions executed in the trading crowd where the contra-side is an ROT are not included.

In addition, in order for an ROT (other than an RSQT or a Remote Specialist) to receive specialist margin treatment for off-floor orders in any calendar quarter, the ROT must execute the greater of 1,000 contracts or 80% of his total contracts that quarter in person (not through the use of orders, except that non-streaming ROTs can use orders entered in person) and 75% of his total contracts that quarter in assigned options. Transactions executed in the trading crowd where the contra-side is an ROT are not included.

The off-floor orders for which an ROT receives specialist margin treatment shall be subject to the obligations of Rule 1014(a) and, in general, be effected for the purpose of hedging, reducing risk of, or rebalancing positions of the ROT. An ROT is responsible for evidencing compliance with these provisions. The Exchange may exempt one or more classes of options from this calculation.

.02–.19 No change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to add flexibility to one of the Exchange's quarterly trading requirements to encourage liquidity-providing activity by market makers on the Exchange's trading floor. Phlx imposed this trading requirement initially to require market makers to ensure available liquidity on the trading floor. Liquidity provided by market makers is a key ingredient to ensuring a competitive trading floor. Market maker liquidity benefits all market participants by providing more trading opportunities. The Exchange's proposal is intended to ensure that market makers on the trading floor are ready and able to participate to provide a reasonable pool of liquidity on the floor trading. The Exchange also notes that other options exchanges with physical trading floors do not have a minimum trading requirement similar to Phlx.

The general term ''market makers'' on the Exchange includes Specialists [4] and ROTs. ROTs can be either Streaming Quote Traders [5] (''SQTs''), Remote SQTs [6] (''RSQTs'') or non-SQT ROTs.[7] Today, quarterly trading requirements apply to two types of ROTs: SQTs and non-SQT ROTs. Specialists and RSQTs are subject to different requirements. By definition, non-SQT ROTs do not ''stream'' quotes, meaning send quotes electronically to the Exchange; instead, pursuant to Commentary .18 of Rule 1014, they submit limit orders electronically and respond to Floor Brokers verbally.

Specifically, the Exchange is proposing to amend a quarterly trading requirement set forth in Commentary .01.[8] Phlx Rule 1014 at Commentary .01 currently requires a ROT (other than an RSQT or Remote Specialist) to trade 1,000 contracts and 300 transactions on the Exchange each quarter (excluding transactions executed in the trading crowd where the contra-side is an ROT).

This proposal seeks to amend this quarterly requirement of Commentary .01 in two ways: (1) By limiting the trading requirement to non-SQT ROTs; and (2) by adding a new test as an alternative. The Exchange proposes to amend Commentary .01 to require a non-SQT ROT (other than an RSQT or

[4] A Specialist is an Exchange member who is registered as an options specialist pursuant to Rule 501(a). An options specialist includes a Remote Specialist which is defined as an options specialist in one or more classes that does not have a physical presence on an Exchange floor and is approved by the Exchange pursuant to Rule 501.

[5] An SQT is an ROT who has received permission from the Exchange to generate and submit option quotations electronically in options to which such SQT is assigned. An SQT may only submit such quotations while such SQT is physically present on the floor of the Exchange. An SQT may only trade in a market making capacity in classes of options in which the SQT is assigned. *See* Rule 1014(b)(ii)(A).

[6] An RSQT is an ROT that is a member affiliated with and RSQTO with no physical trading floor presence who has received permission from the Exchange to generate and submit option quotations electronically in options to which such RSQT has been assigned. A qualified RSQT may function as a Remote Specialist upon Exchange approval. *See* Rule 1014(b)(ii)(B).

[7] A non-SQT ROT is an ROT who is neither an SQT nor an RSQT. *See* Rule 1014(b)(ii)(C).

[8] In addition to the trading requirement being amended herein, the ''in assigned'' quarterly trading requirement in Commentary .03 requires that, except for unusual circumstances, at least 50% of the trading activity in any quarter (measured in terms of contract volume) of an ROT (other than an RSQT) shall ordinarily be in classes of options to which he is assigned. Temporarily undertaking the obligations of paragraph (c) at the request of a member of the Exchange in non-assigned classes of options is not deemed trading in non-assigned option contracts. Furthermore, Commentary .13 further provides that, within each quarter, an ROT must execute in person, and not through the use of orders, a specified number of contracts, such number to be determined from time to time by the Exchange. Options Floor Procedure Advice (''Advice'') B–3, Trading Requirements, establishes a quarterly requirement to trade the greater of 1,000 contracts or 50% of contract volume in person; pursuant to the Exchange's minor rule violation and enforcement plan, it establishes a fine schedule for violations thereof, as well as for violations of the quarterly trading requirement in assigned options contained in Commentary .03. Commentary .01 also requires that in order for an ROT (other than an RSQT or a Remote Specialist) to receive specialist margin treatment for off-floor orders in any calendar quarter, the ROT must execute the greater of 1,000 contracts or 80% of his total contracts that quarter in person (not through the use of orders, except that non-streaming ROTs can use orders entered in person) and 75% of his total contracts that quarter in assigned options (excluding transactions executed in the trading crowd where the contra-side is an ROT). None of these trading requirements are changing.

a Remote Specialist) to trade *either* (a) 1,000 contracts and 300 transactions (the ''1000/300 Alternative,'' which is the current requirement) or (b) 10,000 contracts and 100 transactions (the ''New Alternative''), on the Exchange each quarter.

With respect to limiting the requirement to non-SQT ROTs, the Exchange notes that today, SQTs and RSQTs are obligated to continuous quoting requirements when trading electronically in their assigned options series.[9] Non-SQT ROTs are not subject to similar continuous quoting requirements today on the trading floor. If a non-SQT ROT trades electronically, that market maker would be required to continuously quote in his or her assigned option pursuant to the requirement in Rule 1014(b)(ii)(D), whereas if that market maker was on the trading floor in the capacity of a non-SQT ROT, the market maker would be required to separately meet the requirements of Phlx Rule 1014 at Commentary .01. With this proposal, the Exchange is proposing a separate requirement for market makers that conduct business on the trading floor as compared to market makers who transact business electronically on the Exchange.

With respect to adding the alternative, similar to the requirement today, transactions executed in the trading crowd where the contra-side is an ROT would not be included.[10] Similar to the current 1000/300 Alternative, the New Alternative is a pure trading requirement, not limited, like the other trading requirements, to assigned options [11] and in person trading.[12] Accordingly, the New Alternative requirement can be fulfilled with trades and contracts that are not in assigned options and not executed in person, although, of course, the existing trading requirements respecting ''in assigned'' options and ''in person'' trading must still be met. Also, limit orders can continue to be counted toward either minimum trading requirement. The Exchange recognizes that floor trading is a competitive space and that Phlx is the only floor trading venue requiring its market makers on the trading floor to transact a minimum amount of contracts. The Exchange is not seeking to burden these market participants by limiting the type of qualifying transactions to meet the requirement.

By way of background, the Exchange adopted the 1000/300 Alternative, the existing requirement, in 2011.[13] At that time the Exchange believed this quarterly requirement would be a reasonable and fair measure to ensure ROTs were actively providing liquidity. Since that time the Exchange has observed that larger order sizes continue to seek liquidity on the trading floor, drawing regular responses from non-SQT ROTs whose business is centered around larger sized transactions, but not always resulting in transactions for these larger non-SQT ROT firms providing liquidity.

The Exchange has observed that certain non-SQT ROTs, who trade larger sized orders and who only trade a handful of underlying stocks are making markets on a daily basis but are having less opportunity because larger orders are often placed into the Qualified Contingent Cross (QCC) mechanism.[14] Consequently there are fewer opportunities for some non-SQT ROTs to make certain trades. The Exchange notes that ROTs may not enter responses to QCC Orders which are paired orders entered into the QCC Mechanism and are not exposed. While the introduction of QCC accounts for a portion of the types of qualifying orders that a non-SQT ROT can transact to fulfill the floor requirement, lower volumes on the trading floor has also contributed to the desire among market participants to fulfill the trading requirement in an alternative fashion.

The Exchange is now proposing to address this issue by modifying the 1000/300 Alternative trading requirement to include the New Alternative as an additional metric, one that could be satisfied by fewer transactions but more traded contracts, such that the overall trading requirement originally contemplated by the 1000/300 Alternative is not diluted. After discussing this issue with the larger non-SQT ROTs who are very active on a daily basis, the Exchange determined that 100 transactions per quarter was a reasonable number to measure whether an non-SQT ROT is providing liquidity to the market. The Exchange concluded that a reduced number of 100 transactions per quarter would permit non-SQT ROTs to make their trading decisions without undue influence of quoting [sic] obligations alone, and instead choose whether to participate in trades based on factors independent of the actual quoting [sic] obligation.

The Exchange believes that the value of a non-SQT ROT is not limited to only whether they actually execute transactions, but as important is that they are actively quoting markets and providing pricing information. Since 100 transactions is only 33% of the current requirement, the Exchange determined to increase the total executed contracts number by 900 percent to 10,000 contracts, to ensure that the Exchange did not diminish the trading requirement when viewed from an overall perspective. The Exchange believes this alternative requirement is a good measure that improves the analysis of whether the larger non-SQT ROT's are participating in an expected manner, and providing liquidity to the market.

The Exchange notes that in order to meet the floor trading requirements a non-SQT ROT may either continue to comply with the current requirement or may voluntarily comply with the New Alternative. The existing requirement is based on the ability to trade 1,000 contracts and 300 transactions on the Exchange each quarter, more contracts but of a smaller size. The New Alternative permits compliance with the quoting [sic] rules by transacting fewer transactions (100 transactions) but larger sized volume (10,000 contracts). The two options to comply with the floor trading rule do not vary in terms of benefits or obligations.

The Exchange believes the combined test of ''10,000 contracts'' and ''100 transactions'' would be a fair measure of liquidity as an alternative to complement the current requirement, and is a fair and balanced way to measure whether a non-SQT ROT is providing liquidity to the marketplace. This proposed new measure will be a fairer measure for market makers on the trading floor in that it considers another perspective of liquidity—specifically, the offering of deep liquid markets

[9] *See* Rule 1014(b)(ii)(D).

[10] The Exchange already excludes from the contracts and transactions required by the current 1000/300 Alternative, in each quarter, any transactions executed in the trading crowd where the contra-side is an ROT in order to focus market making efforts on providing the sort of liquidity that will attract customers (including broker-dealers and professionals) to the Exchange, and is extending this exclusion to the New Alternative for the same reason. As with the 1000/300 Alternative currently in effect, ROTs will continue to be able to participate in crowd trades, and those crowd trades will count towards the new trading requirement, unless the contra-side is another ROT. ROT-to-ROT trades in the crowd are certainly permissible on the Exchange, but the Exchange seeks to better target liquidity and attract order flow by designing the trading requirement to exclude them.

[11] *See* Rule 1014.03.

[12] *See* Rule 1014.01.

[13] *See* Securities Exchange Act Release No. 65644 (October 27, 2011), 76 FR 67786 (November 2, 2011) (SR–Phlx–2011–123).

[14] *See* Securities Exchange Act Release No. 64249 (April 7, 2011), 76 FR 20773 (April 13, 2011) (SR–Phlx–2011–47) (a rule change to establish a QCC Order to facilitate the execution of stock/option Qualified Contingent Trades (''QCTs'') that satisfy the requirements of the trade through exemption in connection with Rule 611(d) of the Regulation NMS).

which result in fewer executions, but of greater size.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[15] in general, and furthers the objectives of Section 6(b)(5) of the Act,[16] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by adopting a new alternative trading requirement which will narrow the requirement for ROTs, who have other quoting obligations, while also providing flexibility to non-SQT ROTs to encourage market making which should enhance liquidity on the Exchange. It would be unjust and inequitable to continue to impose the 1000/300 Alternative trading requirement without also offering non-SQT ROTs this New Alternative given the recent availability of QCC to handle large orders that previously may have been executed by certain non-SQT ROTs in satisfaction of the 1000/300 Alternative test along with lower volumes on the trading floor.

The Exchange believes that removing the requirement that SQTs and RSQTs [sic] are required to meet the trading requirement is consistent with just and equitable principles of trade because these market participants are subject to continuous quoting requirements today.[17] The Exchange intends to separate the two requirements. If a non-SQT ROT trades electronically, that market maker would be required to continuously quote in his or her assigned option pursuant to the requirement in Rule 1014(b)(ii)(D), whereas if that market maker was on the trading floor in the capacity of a non-SQT ROT, the market maker would be required to separately meet the requirements of Phlx Rule 1014 at Commentary .01. Non-SQT ROTs are not subject to continuous quoting requirements today and therefore the Exchange proposes to separately applying a standard consistent with their business model and exclude other ROTs from this floor-based requirement.

The proposal will remove impediments to and perfect the mechanism of a free and open market and a national market system by providing a new alternative to an existing requirement that today non-SQT ROTs have difficulty meeting given the current trading environment, thus enabling them to continue making markets to the benefit of investors by requiring ample liquidity. Investors and the public interest are protected by the proposal in that it should help preserve the number of non-SQT ROTs making markets and providing liquidity to the benefit of users of the Exchange's market.

It is important to note that a non-SQT ROT cannot control the size and frequency of crowd trades, even less so crowd trades where the contra-side is not an ROT. The Exchange represents that the only other way to participate in trades other than through the use of orders is by quoting; while SQTs quote electronically by ''streaming'' quotations into the Exchange, non-SQT ROTs may only quote verbally in response to floor brokers representing orders in the trading crowd. The Exchange believes that it has become difficult for such ROTs to comply with the trading requirements. The Exchange believes that this new trading requirement should increase the likelihood that an ROT is actively providing liquidity on Phlx. The Exchange believes that the proposed new trading requirement should enhance the market making functions for non-SQT ROTs and serve to maintain a fair and orderly market thereby promoting the protection of investors and the public interest.

The Exchange notes that non-SQT ROTs may meet the proposed requirement by entering limits orders, but the Exchange notes that the Exchange is not seeking to burden these market participants by limiting the type of qualifying transactions to meet the requirement. The Exchange recognizes that floor trading is a competitive space and that Phlx is the only floor trading venue requiring its market makers on the trading floor to transact a minimum amount of contracts. The Exchange is not proposing to remove the ability to enter limit orders to meet the New Alternative because it seeks to encourage market makers to transact business on Phlx.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. With respect to intra-market competition, limiting the trading requirement to non-SQT ROTS, the Exchange does not believe this imposes an undue burden on competition because SQTs and RSQTs are subject to continuous quoting requirements today,[18] while non-SQT ROTs are not subject to continuous quoting obligations.

Further, with respect to inter-market competition, the Exchange also notes that other options exchanges with physical trading floors do not have a minimum trading requirement similar to Phlx. The New Alternative trading requirement would be available to non-SQT ROTs without distinction, as an alternative to the existing 1000/300 Alternative trading requirement. The Exchange's proposal to permit non-SQT ROTs to comply with the trading requirement in one of two ways provides these market participants a means to compete in a space which has witnessed lower trading volumes. Also, the Exchange does not seek to disadvantage these market participants who compete with other trading floors who do not have trading requirements, as noted above, and also who do not have the automated compliance checks.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2017–67 on the subject line.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] *See* Rule 1014(b)(ii)(D).

[18] *See* Rule 1014(b)(ii)(D).

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2017–67. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2017–67, and should be submitted on or before September 12, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–17685 Filed 8–21–17; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81411; File No. SR–NYSEArca–2017–84]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To Extend the Implementation Date for Certain Changes to the NYSE Arca Rule 5 and Rule 8 Series

August 16, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on August 3, 2017, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') 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 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 extend the date on which certain changes to the NYSE Arca Rule 5 and Rule 8 series are implemented. 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.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

On January 6, 2017, the Exchange filed a proposed rule change, as subsequently amended by Amendments No. 1 and 2 thereto (as amended, the ''Proposed Rule Change''), to adopt certain changes to the NYSE Arca Rules 5 and 8 series to add additional continued listing standards for exchange-traded funds (''ETFs'') as well as clarify the procedures that the Exchange will undertake when an ETF is noncompliant with applicable rules. Given the scope of the amendments specified in the Proposed Rule Change, the Exchange proposed that such amendments not be implemented until October 1, 2017. On March 9, 2017, the Commission granted accelerated approval of the Proposed Rule Change, including the October 1, 2017 implementation date.[4] The Exchange now proposes to extend the implementation date of the amendments specified in the Proposed Rule Change to July 1, 2018.

Since the Proposed Rule Change was approved, the Exchange has engaged in extensive conversations with issuers of listed ETFs, industry advocacy groups and index providers to discuss the new rule requirements and offer guidance on rule interpretation and application. As a result of these conversations, ETF issuers have expressed concern about their ability to have in place systems and procedures to ensure compliance by the current October 1, 2017 implementation date. In particular, listed ETF issuers, and industry advocacy groups on their behalf, have explained that issuers will require time to design and test new compliance systems as well as engage in discussions with third-party providers to source and track new data elements required for rule compliance.[5]

The Exchange believes it is appropriate to extend the implementation date of the Proposed Rule Change to July 1, 2018 to provide listed ETF issuers with the time needed to develop and test their compliance procedures. In support of its proposal, the Exchange notes that the Proposed Rule Change imposes significant new compliance requirements on issuers that they have not been subject to previously. To meet these new compliance requirements, issuers must develop internal systems as well as coordinate with third-party service providers, such as index providers, to

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 80189 (March 9, 2017), 82 FR 13889 (March 15, 2017) (SR–NYSEArca–2017–01).

[5] *See,* for example, Letter, dated July 11, 2017, from Dorothy Donohue, Acting General Counsel, Investment Company Institute to Brent J. Fields, Secretary, Securities and Exchange Commission, available at *https://www.sec.gov/comments/sr-nasdaq-2016-135/nasdaq2016135-1846208-5175.pdf.* [sic]

develop procedures by which they can obtain essential data. Listed issuers have informed the Exchange that they are unable to complete this extensive project by the pending October 1, 2017 implementation date. The Exchange believes that it is critical for listed ETFs issuers to have the appropriate procedures and systems in place to monitor and evidence ETF compliance with the new continued listing rules before such rules are implemented. Therefore, the Exchange proposes to extend the implementation date for the Proposed Rule Change until July 1, 2018.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Sections [sic] 6(b)(5)[7] of the Act, in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that the proposed amendment is consistent with the protection of investors because it will enable listed issuers to have the systems and procedures needed to monitor and evidence compliance with the Proposed Rule Change prior to such rule being implemented. Providing listed issuers with additional time to ensure that they have adequate compliance systems in place furthers the protection of investors and the public interest because it will enhance investor confidence that listed issuers are complying with Exchange rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange notes that the proposed rule change will facilitate listed issuer ability to monitor and evidence compliance with approved continued listing rules by providing issuers with additional time to develop and test their internal systems and procedures prior to the implementation date.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange received a copy of a letter from the Investment Company Institute, on behalf of listed ETF issuers, to the Securities and Exchange Commission.[8] As described in Item 3 [sic], above, the Investment Company Institute detailed challenges that listed ETF issuers are facing in developing compliance systems to address the amendments contained in the Proposed Rule Change and have requested that the implementation date for such amendments be extended to July 1, 2018.

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–2017–84 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–2017–84. 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–2017–84 and should be submitted on or before September 12, 2017.

[8] *See* Footnote 5, *supra.*

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–17687 Filed 8–21–17; 8:45 am]

BILLING CODE 8011–01–P

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81407; File No. SR–BatsEDGX–2017–33]

Self-Regulatory Organizations; Bats EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 21.2, Days and Hours of Business

August 16, 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 August 2, 2017, Bats EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') 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 Exchange. The Exchange has designated this proposal as a ''non-

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rule 21.2, Days and Hours of Business.

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 purpose of this filing is to amend Rule 21.2 to clarify the trading hours for options on fund shares (''ETF's'') and exchange-traded notes (''ETNs''). Specifically, the Exchange seeks to amend Rule 21.2 to provide that options on ETF's and ETNs (collectively exchange-traded products or ''ETPs'') may be traded on the Exchange until 3:15 p.m. (CT) each business day. The Exchange notes that the proposed rule is based on C2 Options Exchange, Incorporated (''C2'') Rule 6.1 and NYSE MKT LLC (''NYSE MKT'') Rule 901NY Commentary .02.

Currently, Rule 21.2 provides that all options on ETPs will be traded on the Exchange until 3:15 p.m. (CT); however, industry practice and the Exchange's current practice allow the vast majority of options on ETPs to be traded until 3:00 p.m. (CT), while allowing certain options on ETPs to trade until 3:15 p.m. (CT).[5] This filing seeks to align EDGX Rules with industry practice.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act. Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change will protect investors and the public interest by reducing potential confusing regarding EDGX's trading hours for options on ETPs and aligning EDGX's Rules regarding trading orders for options on ETPs with industry practice. The Exchange notes that the proposed rule is based on C2 Rule 6.1 and NYSE MKT Rule 901NY Commentary .02.

B. Self-Regulatory Organization's Statement on Burden on Competition

EDGX does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will not impose any burden on intermarket or intramarket competition as the proposed rule change will align EDGX's Rules regarding trading orders for options on ETPs with industry practice. In addition, the proposed rule change does not modify the construct for trading hours but simply identifies the products that may close at 3:00 p.m. (CT) or 3:15 p.m. (CT), which is consistent with the industry.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (A) Significantly affect the protection of investors or the public interest; (B) impose any significant burden on competition; and (C) by its terms, become operative for 30 days from the date on which it was filed or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[6] and paragraph (f)(6) of Rule 19b–4 thereunder.[7]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BatsEDGX–2017–33 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–SR–BatsEDGX–2017–33. This file number should be included on

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] *See e.g.,* the trading hours of options on NYSE MKT and NYSE Arca Inc., available at, *https://www.nyse.com/markets/hours-calendars.*

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4. The Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

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–SR–BatsEDGX–2017–33 and should be submitted on or before September 12, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–17683 Filed 8–21–17; 8:45 am]

BILLING CODE 8011–01–P

[8] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 10095]

Notifications to Congress of Proposed Export Licenses

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates indicated on the attachments.

DATES: As shown on each of the 51 letters.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony M. Dearth Directorate of Defense Trade Controls, Department of State, telephone (202) 663–2836; e-mail *DDTCResponseTeam@state.gov.* ATTN: Congressional Notification of Licenses.

SUPPLEMENTARY INFORMATION: Pursuant to sections 36(c) and 36(d), and in compliance with section 36(f), of the Arms Export Control Act. Section 36(f) of the Arms Export Control Act (22 U.S.C. 2776) mandates that notifications to the Congress pursuant to sections 36(c) and 36(d) must be published in the **Federal Register** when they are transmitted to Congress or in a timely manner.

Following are such notifications to the Congress:

January 19, 2017

The Honorable Joseph R. Biden, Jr., President of the Senate.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms, parts, and components abroad controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of M4 carbines and accessories to the Government of Honduras.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–140.

February 8, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the Czech Republic, Germany, Poland, and the United Kingdom in support of the manufacture of Tactical Advanced Land Inertial Navigator 3000/5000 series Inertial Navigation Units.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–079.

February 8, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of an amendment to a technical assistance agreement for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the continued export of defense articles, including technical data and defense services for the Organizational, Intermediate, and Depot Level Maintenance of T700–GE–701C/701D engines for end use by the United Arab Emirates Armed Forces.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–084.

February 8, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms, parts, and accessories abroad controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of semi-automatic pistols, spare barrels, and spare parts to Tunisia.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Acting Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–096.

February 8, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the Republic of Korea to support the integration of the Joint Direct Attack Munitions (JDAM) and Laser Joint Direct Attack Munitions (LJDAM) Weapon System with the Republic of Korea aircraft.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–101.

February 8, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting certification of a proposed license for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Spain to support the design and manufacture of sporting firearms and components in Spain for commercial resale in the United States and other countries.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–104.

February 9, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Israel to support the Full Rate Production activities of the Arrow 3 Interceptor.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–108.

February 9, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the United Kingdom to support the manufacture, integration, installation, operation, training, testing, maintenance, and repair of cockpit transparencies for the F–22 aircraft.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–109.

January 4, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $25,000,000or more.

The transaction contained in the attached certification involves the export of Major Defense Equipment to Israel in support of base and organizational level maintenance for the operation and sustainment of the F–135 propulsion system for end-use by the Government of Israel.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–111.

February 9, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearm parts abroad controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of barrel blanks to Canada for commercial resale.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–115.

February 9, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms, parts, and accessories abroad controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of machine guns, barrel assemblies, spare parts, and accessories to Tunisia.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–116.

February 9, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Italy, the Netherlands, and the United Arab Emirates to support the integration, installation, operation, training, testing, maintenance, and repair of the Rolling Airframe Missile (RAM) Guided Missile Weapon System (GMWS).

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–119.

February 9, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms, parts, and accessories abroad controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of M134 7.62mm machine guns, spare parts, and accessories to Indonesia.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–127.

February 9, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the transfer of defense articles, to include technical data and defense services to support the integration of the Joint Direct Attack Munition (JDAM) onto Royal Australian Air Force (RAAF) aircraft.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–133.

May 19, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Saudi Arabia to support the integration, installation, operation, training, testing, maintenance, and repair of the Joint Direct Attack Munition (JDAM).

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 15–132.

May 19, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $14,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Saudi Arabia to support the integration, installation, operation, training, testing, maintenance, and repair of the FMU–152A/B Joint Programmable Bomb (JPB) Fuze System.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–011.

May 19, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the United Kingdom, Italy, Spain, and Saudi Arabia to support the assembly, modification, testing, training, operation, maintenance, and integration of the Paveway II and III, Enhanced Paveway II and III, and Paveway IV Weapons Systems for the Royal Saudi Air Force.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–043.

June 20, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Sections 36(c) and 36(d) of the Arms Export Control

Act, I am transmitting certification of a proposed export for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the Republic of Korea for the manufacture, assembly, inspection, and testing of F404–GE–102 engines for the T–50, TA–50, and FA–50 aircraft series for end-use by various countries.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Charles S. Faulkner,

Deputy Assistant Secretary, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–044.

June 28, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Germany to support the manufacture, integration, installation, operation, training, testing, maintenance, and repair of the TYTON line of laser rangefinder targeting devices and component modules.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Charles S. Faulkner,

Deputy Assistant Secretary, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–060.

June 27, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Canada and Saudi Arabia to support the design, development, modification, and integration of Enhanced Situational Awareness systems into armored vehicles.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Charles S. Faulkner,

Deputy Assistant Secretary, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–064.

April 11, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms, parts, and accessories abroad controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of machine guns and barrels to Turkey.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–074.

April 11, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services to perform depot level maintenance of engines installed on F–18 aircraft for end use by Kuwait and Spain.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–080.

May 9, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, to include technical data, and defense services to Italy to support the manufacture, operation, test integration, evaluation, installation, assembly, and maintenance of the G–2000 Dynamically Tuned Gyroscope product family that incorporate or operate the gyroscope for end-use on the Joint Strike Fighter Turret Stabilization, ASPIDE missile, and ASTER missile programs.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–083.

April 11, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the United Kingdom to support the manufacturing, assembly, inspection, and delivery of certain F135 engine Ice Protection Systems associated parts and components for end-use by the U.S. Government and U.S. Government authorized end-users.

The United States government is prepared to license the export of these items having

taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Jospeh E. Macmanus,

Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–100.

April 11, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms, parts, and accessories abroad controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of fully automatic rifles, semi-automatic pistols, silencers, spare parts, and accessories to Indonesia.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–105.

June 27, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of proposed license for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services for the sale of one modified G550 aircraft to the government of Israel.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Charles S. Faulkner,

Deputy Assistant Secretary, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–106.

May 9, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Mexico to support the integration, installation, operation, training, testing, maintenance, and repair of the Star Safire 380 HD camera system.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmaus,

Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–107.

June 27, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the transfer of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Israel for the manufacture of F–15 aircraft structural components.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Charles S. Faulkner,

Deputy Assistant Secretary, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–122.

May 9, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms, parts, and accessories abroad controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export carbines, spare parts, and accessories to Qatar.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–125.

April 11, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms, parts, and accessories abroad controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of M2A2 12.7mm and M60E 7.62mm machine guns, primary and spare barrels, and M60 weapons training, parts, and accessories to Tunisia.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–126.

June 28, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Australia, the United Kingdom and the United Arab Emirates to support the marketing, sale and on-going support of Unmanned Aerial Systems (UAS)

and for future Intelligence, Surveillance and Reconnaissance (ISR) requirements for the United Arab Emirates Armed Forces.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Charles S. Faulkner,

Deputy Assistant Secretary, Bureau of Legislative Affair.

Enclosure: Transmittal No. DDTC 16–128.

June 27, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker:

Pursuant to Sections 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the United Kingdom for the manufacture of Joint Strike Fighter subassemblies, components, parts, and associated tooling of the aft fuselage and empennage.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Charles S. Faulkner,

Deputy Assistant Secretary Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–132.

April 28, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms, parts, accessories, and after sales support abroad controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of M4 fully automatic carbines 5.56x45 NATO to the United Arab Emirates.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–135.

May 9, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Japan to support the integration, installation, and maintenance of the F135 Propulsion System for the J–35.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–136.

April 11, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms abroad controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of bolt action rifles of various calibers to Sweden.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–137.

June 27, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms, parts, and accessories abroad controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of bolt action rifles and suppressors to the United Arab Emirates.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Charles S. Faulkner,

Deputy Assistant Secretary, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 16–138.

June 27, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms ammunition abroad controlled under Category III of the United States Munitions List in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of various calibers of firearms ammunition to Saudi Arabia.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Charles S. Faulkner,

Deputy Assistant Secretary, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 17–003.

June 27, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms, parts, and accessories abroad controlled under Category

I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of M400 semi-automatic rifles and P320 semi-automatic pistols and accessories to Jordan.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Charles S. Faulkner,

Deputy Assistant Secretary, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 17–004.

April 12, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services for the sale of two modified G550 aircraft to the government of Poland.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus.

Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 17–005.

June 27, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the United Arab Emirates to support the maintenance, testing, support, field engineering services, logistics management assistance, training, repair, and calibration for three (3) sets of AN/TPS–78 Radar Systems, two (2) sets of TPS–70 Radar Systems, a command, control, and communications system known as the Emirates Air Defense Ground Environment (EADGE), and a low altitude surveillance system known as the Emirates Low Altitude Surveillance System (ELASS).

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Charles S. Faulkner,

Deputy Assistant Secretary, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 17–007.

April 12, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms, parts, and accessories abroad controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of various rifles, pistols, barrels, flash hiders, and accessories to Canada.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 17–008.

April 28, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms, parts, and accessories abroad controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of .50 caliber rifles, ammunition, barrels, accessories, and associated training to Mexico.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 17–010.

June 27, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms, parts, and accessories abroad controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of M400 5.56 rifles and associated parts and components to Jordan.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Charles S. Faulkner,

Deputy Assistant Secretary, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 17–011.

June 27, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms, parts, and accessories abroad controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of 5.56mm semi-automatic rifles, 9mm caliber rifles, 9mm pistols, silencers, and accessories to Indonesia.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Charles S. Faulkner,

Deputy Assistant Secretary, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 17–013.

April 12, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services to Japan to support the operation, installation, maintenance, and repair of the Mk15 Phalanx Close-In Weapons System (CIWS).

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 17–017.

June 27, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Japan for the sale and support of AAV7A1 RAM/RS Amphibious Assault Vehicles.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Charles S. Faulkner,

Deputy Assistant Secretary, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 17–019.

June 26, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to India to support the integration, assembly, and maintenance of M777A2 155mm Lightweight Howitzers in support of an existing Foreign Military Sales Contract.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Charles S. Faulkner,

Deputy Assistant Secretary Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 17–023.

June 28, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms and accessories abroad controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of semi-automatic 9mm pistols with extra magazines to Thailand.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Charles S. Faulkner,

Deputy Assistant Secretary, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 17–024.

June 28, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms and accessories abroad controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of semi-automatic 9mm pistols with extra magazines and ammunition to Thailand.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Charles S. Faulkner,

Deputy Assistant Secretary Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 17–025.

June 26, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearms, parts, and accessories abroad controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of 5.56mm and 7.62mm carbines, associated training and parts, and accessories to Sweden.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Charles S. Faulkner,

Deputy Assistant Secretary, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 17–034

June 29, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting certification of a proposed license amendment for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services in the amount of 100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Canada to support the manufacture of Precision Optical Subsystems, Optomechanical Major Assemblies, and Optical Components for the AIM–9X Sidewinder Missile.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though

unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Charles S. Faulkner,

Deputy Assistant Secretary Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 17–036.

June 28, 2017

The Honorable Paul D. Ryan, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense in the amount of $14,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Taiwan for the MK 41 Vertical Launching System.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Charles S. Faulkner,

Deputy Assistant Secretary, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 17–071.

Anthony Dearth,

(Acting) Managing Director, Directorate of Defense Trade Controls, Department of State.

[FR Doc. 2017–17770 Filed 8–21–17; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice: 10093]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Teotihuacan: City of Water, City of Fire'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Teotihuacan: City of Water, City of Fire,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Fine Arts Museums of San Francisco, de Young Museum, San Francisco, California, from on or about September 30, 2017, until on or about February 11, 2018, at the Los Angeles County Museum of Art, Los Angeles, California, from on or about March 25, 2018, until on or about July 15, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–17716 Filed 8–21–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10092]

Renewal of International Security Advisory Board Charter

SUMMARY: The Department of State announces the renewal of the Charter of the International Security Advisory Board (ISAB).

The purpose of the ISAB is to provide the Department with a continuing source of independent insight, advice, and innovation on all aspects of arms control, disarmament, nonproliferation, and international security, and related aspects of public diplomacy. The ISAB will remain in existence for two years after the filing date of the Charter unless terminated.

For more information, please contact Christopher M. Herrick, Executive Director of the International Security Advisory Board, Department of State, Washington, DC 20520, telephone: (202) 647–9683.

Christopher M. Herrick,

Executive Director, International Security Advisory Board, Department of State.

[FR Doc. 2017–17612 Filed 8–21–17; 8:45 am]

BILLING CODE 4710–35–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination Under the African Growth and Opportunity Act

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The United States Trade Representative (USTR) has determined that Togo has adopted an effective visa system and related procedures to prevent the unlawful transshipment of textile and apparel articles and the use of counterfeit documents in connection with the shipment of such articles, and has implemented and follows, or is making substantial progress towards implementing and following, the custom procedures required by the African Growth and Opportunity Act (AGOA). Therefore, imports of eligible products from Togo qualify for the textile and apparel benefits provided under the AGOA.

DATES: This notice is applicable on August 22, 2017.

FOR FURTHER INFORMATION CONTACT: Constance Hamilton, Acting Assistant United States Trade Representative for African Affairs, (202) 395–9514 or *Constance_Hamilton@ustr.eop.gov.*

SUPPLEMENTARY INFORMATION: The AGOA (Title I of the Trade and Development Act of 2000, Pub. L. 106–200, as amended) provides preferential tariff treatment for imports of certain textile and apparel products of beneficiary sub-Saharan African countries. The textile and apparel trade benefits under AGOA are available to imports of eligible products from countries that the President designates as ''beneficiary sub-Saharan African countries,'' provided that these countries: (1) Have adopted an effective visa system and related procedures to prevent the unlawful transshipment of textile and apparel articles and the use of counterfeit documents in connection with shipment of such articles; and (2) have implemented and follow, or are making substantial progress towards implementing and following, certain customs procedures that assist the U.S. Customs and Border Protection in verifying the origin of the products. In

Proclamation 8240 dated April 17, 2008 (73 FR 21513), the President designated Togo as a ''beneficiary sub-Saharan African country'' and proclaimed, for the purposes of section 112(c) of AGOA, that Togo should be considered a lesser developed beneficiary sub-Saharan African country.

In Proclamation 7350 of October 2, 2000, the President authorized the United States Trade Representative to perform the function of determining whether eligible sub-Saharan countries have met the two requirements described above. The President directed the United States Trade Representative to announce any such determinations in the **Federal Register** and to implement them through modifications in the Harmonized Tariff Schedule of the United States (HTS). Based on the actions Togo has taken, the United States Trade Representative has determined that Togo has satisfied these two requirements.

Accordingly, pursuant to the authority vested in the United States Trade Representative by Proclamation 7350, U.S. note 7(a) to subchapter II of chapter 98 of the HTS, and U.S. notes 1 and 2(d) to subchapter XIX of the HTS, are modified by inserting ''Togo'' in alphabetical sequence in the list of countries. The foregoing modifications to the HTS are effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the effective date of this notice. Imports claiming preferential tariff treatment under the AGOA for entries of textile and apparel articles should ensure that those entries meet the applicable visa requirements. *See* 66 FR 7837 (January 25, 2001).

Constance Hamilton,

Acting Assistant United States Trade Representative for African Affairs, Office of the United States Trade Representative.

[FR Doc. 2017–17705 Filed 8–21–17; 8:45 am]

BILLING CODE 3290–F7–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2017–58]

Petition for Exemption; Summary of Petition Received; American Airlines, Inc.

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before September 11, 2017.

ADDRESSES: Send comments identified by docket number FAA–2017–0662 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Clarence Garden (202) 267–7489, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on August 14, 2017.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2017–0662.

Petitioner: American Airlines, Inc.

Section(s) of 14 CFR Affected: 121.407(a)(1)(ii) and 121.439(a).

Description of Relief Sought: American Airlines, Inc. is seeking relief from 14 CFR 121.407(a)(1)(ii) to allow the use of a modified full flight simulator representing an Embraer 170 type airplane in conjunction with an Embraer 190 Integrated Procedures Trainer to provide training, checking and currency for pilots operating Embraer 190 type airplanes. American Airlines, Inc. is also seeking relief from 14 CFR 121.439(a) to allow a modified full flight simulator representing an Embraer 170 type airplane to be used to meet the recency of experience requirements for an Embraer 190 type airplane.

[FR Doc. 2017–17672 Filed 8–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2017–59]

Petition for Exemption; Summary of Petition Received; Damian Martin

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before September 11, 2017.

ADDRESSES: Send comments identified by docket number FAA–2017–0700 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of

Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

• *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Brittany Newton (202) 267–6691, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2017–0700.

Petitioner: Damian Martin.

Section(s) of 14 CFR Affected: 121.31l(b).

Description of Relief Sought: Petitioner seeks an exemption from 121.311(b) to the extent necessary to allow him, while occupying an approved seat with a properly secured seatbelt, to use an additional strap that provides upper body support by going under the user's arms (encircling the user and the seatback), during all phases of flight aboard an aircraft. In addition, the petitioner requests that any air carrier or commercial operator operating U.S. registered aircraft in operations under part 121 be granted an exemption from 14 CFR 121.311(b) to the extent necessary to allow petitioner, while occupying an approved seat with a properly secured seatbelt, to use an additional strap that provides upper body support by going under the user's arms (encircling the user and the seatback), during all phases of flight aboard an aircraft.

[FR Doc. 2017–17675 Filed 8–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Release Certain Properties at the Melbourne International Airport, Melbourne, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for Public Comment.

SUMMARY: The FAA hereby provides notice of intent to release certain airport properties 15.5 acres at the Melbourne International Airport, Melbourne, FL from the conditions, reservations, and restrictions as contained in a Quitclaim Deed agreement between the FAA and the City of Melbourne, dated April 20, 1948. Documents reflecting the Sponsor's request are available, by appointment only, for inspection at the Melbourne International Airport and the FAA Airports District Office.

DATES: Comments are due on or before *September 21, 2017.*

ADDRESSES: Documents are available for review at the Melbourne International Airport, One Air Terminal Parkway, Suite 220, Melbourne, FL 32901 and the FAA Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822. Written comments on the Sponsor's request must be delivered or mailed to: Stephen Wilson, Program Manager, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822–5024.

In addition, a copy of any comments submitted to the FAA must be mailed or delivered to Mr. Mark Busalacchi, Director of Business Development, Melbourne International Airport, One Air Terminal Parkway, Suite 220, Melbourne, FL 32901.

FOR FURTHER INFORMATION CONTACT: Stephen Wilson, Program Manager, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822–5024.

SUPPLEMENTARY INFORMATION: The release of property will allow the City of Melbourne to dispose of the property for commercial use. The City of Melbourne requests the release of a 15.5 acre tract located in a commercial district along Apollo Boulevard in Melbourne, Florida. The parcel is currently designated commercial property. The property will be released of its federal obligations given the land is no longer required by The City of Melbourne. The Fair Market Value (FMV) of this parcel has been determined to be $2,125,000.00.

Section 125 of The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR–21) requires the FAA to provide an opportunity for public notice and comment prior to the ''waiver'' or ''modification'' of a sponsor's Federal obligation to use certain airport land for non-aeronautical purposes.

Issued in Orlando, FL, on August 16, 2017.

Bart Vernace,

Manager, Orlando Airports District Office, Southern Region.

[FR Doc. 2017–17756 Filed 8–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2017–13]

Petition for Exemption; Summary of Petition Received; KaiserAir, Inc.

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before September 11, 2017.

ADDRESSES: Send comments identified by docket number FAA–2016–8866 using any of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.

• *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

• *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nia Daniels, (202) 267–7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on August 3, 2017.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2016–8866.

Petitioner: KaiserAir, Inc.

Section(s) of 14 CFR Affected: 121.613, 121.623(a), and 121.625.

Description of Relief Sought: KaiserAir, Inc. would like an exemption that would permit the flight release of KAI aircraft under instrument flight rules when conditional language in a one-time increment of the weather forcast states that the weather at the destination, alternate airport, or both airports could be below the authorized minimums when other time increments of the weather forcast state the weather conditions will be at or above the authorized weather minimums.

[FR Doc. 2017–17670 Filed 8–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2005–20721; FMCSA–2009–0174; FMCSA–2013–0020; FMCSA–2015–0064; FMCSA–2015–0065; FMCSA–2015–0066]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 121 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before September 21, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2005–20721; FMCSA–2009–0174; FMCSA–2013–0020; FMCSA–2015–0064; FMCSA–2015–0065; FMCSA–2015–0066 using any of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

• *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

• *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.

• *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for two years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the two-year period.

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person:

> Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

The 121 individuals listed in this notice have requested renewal of their exemptions from the diabetes standard in 49 CFR 391.41(b)(3), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 121 applicants has satisfied the renewal conditions for obtaining an exemption from the diabetes requirement (70 FR 23898; 70 FR 52465; 74 FR 37288; 74 FR 48641; 78 FR 38439; 78 FR 60014; 80 FR 47024; 80 FR 48396; 80 FR 49304; 80 FR 77079; 80 FR 79399; 80 FR 79411). They have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of these drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

As of September 2, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (70 FR 23898; 70 FR 52465): Lee R. Kumm (WI), Mitchell L. Pullen (NE), Steven R. Zoller (MN).

The drivers were included in docket number FMCSA–2005–20721. Their exemptions are applicable as of September 2, 2017, and will expire on September 2, 2019.

As of September 9, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 28 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (80 FR 47024; 80 FR 79411):

Earl H. Andreas (PA)
Kristopher K. Bitting (PA)
Eric A. Bouldin (TX)
Victor Carranza (IA)
Steven A. Casavant (RI)
Justin M. Coffey (KY)
Steven W. Conrad, Jr. (PA)
Jeremy L. Demar (MN)
Anthony C. Eavenson (NM)
Markie Q. Elsey (MD)
Michael W. Finnegan (NJ)
Gale A. Gallagher (IL)
Scott E. Gallagher (VA)
David L. Hareland (MN)
Brian C. Kenerson (NH)
Garrett P. Lockwood (IN)
Sean P. McNally (AZ)
Ryan A. McNaught (FL)
Paul R. Monfils (RI)
Bryan Moser (AR)
Anthony J. Nault (NH)
Alvin W. Peck, Jr. (SD)
Kenneth W. Romjue (OK)
Randy E. Smith (PA)
Curtis G. Taylor (WA)
Jacob F.M. Tucker (UT)
Joseph T. Webb, Jr. (NH)
Douglas L. Zerkle (OH)

The drivers were included in docket number FMCSA–2015–0064. Their exemptions are applicable as of September 9, 2017, and will expire on September 9, 2019.

As of September 12, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 29 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (80 FR 48396; 80 FR 77079):

Reynaldo R. Amaro (TX)
Brandon C. Bair (NV)
James K. Copley (WV)
Richard L. Corzine (IL)
Kevin D. Crouse (CA)
Thomas A. Draper (CA)
John J. Fortman (ND)
Jamey M. George (MO)
Matthew Harkanson (PA)
Kenneth P. Hazel (NM)
Tracy D. Henderson (NM)
Gary H. Jacobs (VT)
Jack L. Lane Jr. (KS)
Thomas J. Leffingwell (NY)
Donald R. Meckley, Jr. (MD)
Jeffrey K. Moore (KY)
Sidney T. Nalley, Jr. (GA)
Jason B. Nolte (IN)
James G. Pruitt (MO)
Thomas V. Ransom (ID)
Raymond D. Reber (IN)
Jackson A. Savarese (CA)
Richard A. Sawyer (ME)
Bruno T. Schizzano (NY)
Christopher S. Seago (NE)
Joseph W. Sprague (NM)
Derrick L. Vaughan (TX)
Anthony J. Vicario (NY)
Henry D. Yeska III (PA)

The drivers were included in docket number FMCSA–2015–0065. Their exemptions are applicable as of September 12, 2017, and will expire on September 12, 2019.

As of September 17, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 40 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (80 FR 49304; 80 FR 79399):

Joshua E. Adkins (KS)
Rosendo R. Amador (TX)
George H. Bonney, Jr. (NH)
John J. D'Agostino (NJ)
James R. Ditman (IN)
Eric D. Egan (IL)
Walter R. Elser (VT)
Ryan S. Farrell (MA)
Patrick F. Felix (WI)
Jermaine Galle (GA)
Gary A. Gross (SD)
Terry L. Guynes (MO)
Colin W. Hale (NY)
Clarence Hill (NY)
Marcus Hughes (GA)
Michael C. Lewis (SD)
Robert L. Moberly (OR)
Jason L. Montgomery (WA)
John F. Mortieau (MT)
Alexander Musalin (WA)
Clark E. Najac (NY)
Matthew S. Ness (WI)
Andrew T. Oezer (MI)
Vanja Pazin (OR)
Troy A. Pearl (WA)
Randell J. Pecenka (IA)
Leonard M. Radford (IN)
Jerry J. Rava (CA)
William J. Rixon Jr. (NJ)
Matias Rodriguez Jr. (CT)
William J. Schrade (CT)
John W. Schwirian (PA)
Shain L. Simpson (UT)
Neil E. Smith (KS)
Joey F. Starnes (AL)
Joshua R. Stieb (CO)
Donald L. Strand (MT)
Rick L. Vosburg (CA)
William G. Wressell (WA)
Randy P. Young (IN)

The drivers were included in docket number FMCSA–2015–0066. Their exemptions are applicable as of September 17, 2017, and will expire on September 17, 2019.

As of September 18, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 38439; 78 FR 60014):

Larry K. Brindle (KS)
Donald F. Kurzejewski (PA)
Joshua O. Lilly (VA)
Steven C. Lundberg (IA)
Roger D. Mott (IA)
Christopher J. Wisner (MD)

The drivers were included in docket number FMCSA–2013–0020. Their exemptions are applicable as of September 18, 2017, and will expire on September 18, 2019.

As of September 22, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 15 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (74 FR 37288; 74 FR 48641):

Michael F. Arthur (ME)
Roelf F. Aufforth (MN)
Christopher S. Cate (NH)
Raymond A. Dietz (FL)
Steven C. Ellenberger (NE)
Dori A. Hoffmann (NE)
William C. Howard (VA)
Steven A. Mayhew (NY)
Michael G. Mulder (MN)
Bradley D. Nickles, Jr. (NH)
Frank A. Rhodes (WI)
James B. Roth (IL)
Matthew T. Russell (TN)
Tranquilino D. Sena (NM)
John A. Serth, Jr. (NY)

The drivers were included in docket number FMCSA–2009–0174. Their exemptions are applicable as of September 22, 2017, and will expire on September 22, 2019.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) each driver must report within two business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) each driver must submit an annual ophthalmologist's or optometrist's report; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 121 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: August 10, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–17720 Filed 8–21–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2008–0355; FMCSA–2014–0381; FMCSA–2014–0382]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for five individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The renewed exemptions were applicable on July 12, 2017. The renewed exemptions will expire on July 12, 2019. Comments must be received on or before September 21, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2008–0355; FMCSA–2014–0381; FMCSA–2014–0382 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its

rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for two years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the two-year period.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person:

> Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

The five individuals listed in this notice have requested renewal of their exemptions from the Epilepsy and Seizure Disorders prohibition in 49 CFR 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the five applicants has satisfied the conditions for obtaining an exemption from the Epilepsy and Seizure Disorder requirements and were published in the **Federal Register** 78 FR 41979, 80 FR 55164, 80 FR 57034. In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce.

The five drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. FMCSA has concluded that renewing the exemptions for each of these applicants is likely to achieve a level of safety equal to that existing without the exemption. Therefore, FMCSA has decided to renew each exemption for a two-year period for the following applicants:

Prince Austin, Jr. (OH)
Frank Cekovic (PA)
Martin L. Ford (MS)
Roger Green (PA)
Michael R. Weymouth (NH)

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must remain seizure-free and maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the five exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the Epilepsy and Seizure Disorders requirement in 49 CFR 391.41 (b)(8). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: August 10, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–17721 Filed 8–21–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2001–10654]

Petition for Waiver of Compliance

Under part 211 of Title 49 of the Code of Federal Regulations (CFR), this document provides the public notice that on July 13, 2017, the Association of American Railroads (AAR) has petitioned the Federal Railroad Administration (FRA) for an extension and expansion of an existing waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 213. FRA assigned the petition docket number FRA–2001–10654.

AAR, on behalf of its member railroads, received permission from FRA to operate trains at Class 5 speeds over ''heavy-point'' frogs (HPF) with guard check gages conforming to the standards for Class 4 track frogs on April 22, 2003. AAR requested and was granted two extensions, dated February 25, 2008 and January 18, 2013. The current waiver will expire on January 18, 2018.

In the current petition, AAR requests an extension of the existing relief from 49 CFR 213.143—*Frog guard rails and guard faces; gage,* to continue operating trains at FRA Class 5 speeds over HPF with guard-check gage conforms to the standards prescribed for FRA Class 4

track frog guard check and face gage dimensions. In addition, AAR is requesting that FRA amend the waiver to include relief from 49 CFR 213.355—*Frog guard rails and guard faces; gage* to allow trains to operate at Class 6 speeds over HPF designs with guard-check gages conforming to the standards for Class 4 track frog guard check and face gage dimensions.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the Department of Transportation's Docket Operations Facility, 1200 New Jersey Ave. SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by October 6, 2017 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC, on August 17, 2017.

John Karl Alexy,

Director, Office of Safety Analysis.

[FR Doc. 2017–17738 Filed 8–21–17; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Pilot Program for Nonprofit Cooperative Procurements

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice; request for expressions of interest to participate.

SUMMARY: The Federal Transit Administration (FTA) announces the establishment of the Pilot Program for Nonprofit Cooperative Procurements (Pilot Program) and solicits expressions of interest from eligible nonprofit entities to participate. The Pilot Program is aimed at increasing innovation, promoting efficiency, and demonstrating the effectiveness of cooperative procurement contracts for rolling stock and related equipment administered by eligible nonprofit entities.

DATES: Expressions of interest to become one of the selected nonprofit entities in the Pilot Program for Nonprofit Cooperative Procurements must be received by October 23, 2017.

ADDRESSES: Expressions of interest may be submitted via U.S. mail, electronic mail, or fax. Mail submissions must be addressed to the Office of Acquisition Management, Federal Transit Administration, 1200 New Jersey Avenue SE., Room E42–332, Washington, DC 20590. Email submissions must be sent to *NonprofitPilotProgram@dot.gov.* Facsimile submissions must be submitted to the attention of Nonprofit Pilot Program at 817–978–0575. If there is an insufficient number of eligible nonprofit entities that meet the requirements of the Pilot Program, FTA may solicit additional interest in the future.

FOR FURTHER INFORMATION CONTACT: For program matters, James Harper, FTA Office of Acquisition Management, telephone (202) 366–1127 or email *James.Harper@dot.gov.* For legal matters, Eldridge Onco, FTA Office of Chief Counsel, telephone (817) 978–0557 or email *Eldridge.Onco@dot.gov.*

SUPPLEMENTARY INFORMATION:

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II. Pilot Program Description
III. Eligibility Information
IV. Expression of Interest Submission Process
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I. Background

Section 3019 of the Fixing America's Surface Transportation (FAST) Act, Public Law 114–94, permits FTA grantees to purchase rolling stock and related equipment from cooperative procurement contracts entered into by either a State government or an eligible nonprofit entity and 1 or more vendors. Section 3019 was designed to address the high purchasing costs attributable to the relatively small size of the procurements for rolling stock and related equipment, particularly for small and rural public transportation providers. Many States currently have authority to enter into cooperative purchasing contracts, also known as ''state schedules.'' However, such authority was not previously extended to nonprofit entities.

The statute creates a pilot program to demonstrate the effectiveness of cooperative procurement contracts administered by nonprofit entities. These contracts are intended to be separate from State cooperative purchasing contracts and provide another opportunity for public transportation systems of all sizes to enhance their purchasing options.

II. Pilot Program Description

Section 3019(b)(3) establishes a Pilot Program to demonstrate the effectiveness of cooperative procurement contracts administered by eligible nonprofit entities. The objective of this innovative procurement approach is to enhance the purchasing options for all public transportation systems. FTA plans to assess the benefits and effectiveness of the Pilot Program to assist grantees in developing more efficient and innovative approaches to acquiring rolling stock and related equipment.

A cooperative procurement contract in the Pilot Program means a contract between an eligible nonprofit entity and 1 or more vendors under which the vendors agree to provide an option to purchase rolling stock and related equipment to multiple grantee participants. Where permitted by State

law, a grantee may participate in a cooperative procurement contract under the Pilot Program without regard to whether the grantee is located in the same State as the lead nonprofit entity. Participation by FTA grantees in a nonprofit cooperative procurement under the Pilot Program is voluntary.

Nonprofit entities selected for the Pilot Program may enter into a cooperative procurement contract for an initial term of not more than 2 years. The contract may include not more than 3 optional extensions for terms of not more than 1 year each. Thus, the contract may be in effect for a total period of not more than 5 years, including each extension.

A lead nonprofit entity selected for the Pilot Program shall develop the terms of the contract and the contract must be solicited and awarded in accordance with all applicable FTA and Federal standards, requirements, and policies. The applicable FTA and Federal procurement standards, requirements, and policies, including FTA's Buy America requirements, are set forth in 49 U.S.C. chapter 53, FTA's implementing regulations, FTA's Master Agreement, 2 CFR parts 200 and 1201, and FTA Circular 4220.1F.

III. Eligibility Information

Section 3019 specifies that FTA must select no fewer than 3 eligible nonprofit entities for the Pilot Program. Per the FAST Act, an eligible nonprofit entity for the Pilot Program may be either a nonprofit cooperative purchasing organization that is not an FTA grantee or subgrantee, or a consortium of eligible nonprofit cooperative purchasing organizations. A local government or a tribal government is not an eligible nonprofit entity under the Pilot Program.

Successful entities are expected to develop and issue a solicitation for a cooperative procurement contract within 60 days of their selection into the Pilot Program. The solicitation of a contract must be conducted through a competitive process that will comply with FTA's full and open competition standard and Federal and FTA procurement requirements and policies. To promote the fullest opportunity for grantees to participate in the Pilot Program, FTA anticipates that cooperative procurement contracts will be open and available to all FTA grantees. To address special circumstances, however, FTA may consider a cooperative procurement contract in the Pilot Program which may be limited only to recipients in one or more of FTA's grant programs.

A lead nonprofit entity in the Pilot Program may charge participants in the contract for the cost of administering, planning, and providing technical assistance for the contract in an amount that is not more than 1 percent of the total value of the participant's order placed on the contract. The 1 percent charge may either be incorporated into the price of the rolling stock and related equipment offered under the cooperative procurement program or directly charge the grantee participants for the costs, but not both. If the nonprofit directly charges the grantee participants for the costs, it cannot charge any individual grantee more than 1 percent of the total value of the grantee's order.

IV. Expression of Interest Submission Process

Interested nonprofit entities for the Pilot Program must submit the required information by U.S. mail, email or facsimile by October 23, 2017, as specified in the **DATES** section of this notice, above. FTA reserves the right to request additional clarifying information from any and all applicants before making a selection to participate in the Pilot Program. Nonprofit entities wishing to participate in the Pilot Program must submit an expression of interest to FTA no longer than 10 pages in length including any supporting documentation.

Interested nonprofit entities must provide the following information to FTA in narrative format or as otherwise instructed:

a. A description of the procurement experience held by the personnel in the applicant's organization, including sufficient information to demonstrate the ability to successfully carry out and administer a cooperative procurement contract or contracts;

b. A description of the familiarity of the applicant's personnel with Federal and FTA procurement standards, requirements, and policies;

c. A description to show how the applicant's program will be administered. This description should include, but not be limited to, the process by which vendors will be selected for the cooperative procurement contract, the process by which grantee participants will be registered in the program and the process for grantee participants to place orders on a cooperative procurement contract.

d. The articles of incorporation of the applicant to demonstrate that the purpose of the nonprofit organization is consistent with the purpose of the Pilot Program;

e. Evidence that the applicant possesses adequate financial capacity to successfully administer a cooperative procurement contract or contracts;

f. Documentation that the applicant is a nonprofit entity in good standing in the State of incorporation; and,

g. Certification that the applicant is not indebted to a Federal or State taxing authority.

V. Application Review

FTA will evaluate the submissions to determine which applicants demonstrate they have the capability to effectively enter into and administer a cooperative procurement contract. FTA will select no fewer than three geographically diverse applicants from the submitted expressions of interest to be part of the Pilot Program, except that if there are less than three applicants able to meet the requirements of the Pilot Program, FTA may solicit additional interest in the future. FTA will evaluate the experience, legal, technical, and financial capacity of interested nonprofit entities to implement the Pilot Program successfully.

VI. Pilot Program Administration

1. Notice

After an announcement by the FTA Administrator or designee of the final selection(s) posted on the FTA Web site, FTA may publish final selections for the Pilot Program in the **Federal Register**.

All information submitted as part of or in support of the Pilot Program application shall be publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the submission includes information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) Note on the front cover that the submission ''Contains Confidential Business Information (CBI);'' (2) mark each affected page ''CBI;'' and (3) highlight or otherwise denote the CBI portions. FTA protects such information from disclosure to the extent allowed under applicable law. If FTA receives a Freedom of Information Act (FOIA) request for the information, FTA will follow the procedures described in the U.S. DOT FOIA regulations at 49 CFR 7.17. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA. Should FTA receive an order from a court of competent jurisdiction ordering the

release of the information, FTA will provide the applicant timely notice of such order to allow the applicant the opportunity to challenge such an order. FTA will not challenge a court order on behalf of an applicant.

2. Pilot Program Administration and Reporting Requirements

The Pilot Program is not funded with Federal funds; selected nonprofit entities may charge the grantee participants in the cooperative procurement contract for the cost of administering, planning, and providing technical assistance for the contract in an amount that is not more than 1 percent of the contract price. The selected nonprofit entity may incorporate the cost into the price of the contract or directly charge the grantee participants for the cost, but not both.

To achieve a comprehensive understanding of the utility and effectiveness of the Pilot Program, FTA, or its designated independent evaluator, will require access to project data. Selected nonprofit entities should be prepared to collect and maintain data related to participating vendors, participating grantees, and the quantity and price of rolling stock and related equipment procured by grantees through the cooperative procurement.

3. Expiration of Pilot Program

After selection of eligible nonprofit entities for the Pilot Program, the Pilot Program will expire six years from the publication of this notice in the **Federal Register** or when the contract with the longest term, including option periods, awarded by a nonprofit entity in the Pilot Program expires, whichever date is earlier.

Matthew J. Welbes,

Executive Director.

[FR Doc. 2017–17606 Filed 8–21–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Projects

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: This notice announces a final environmental action taken by the Federal Transit Administration (FTA) for a project in Hudson County, New Jersey. The purpose of this notice is to announce publicly the environmental decision by FTA on the subject project and to activate the limitation on any claims that may challenge this final environmental action.

DATES: By this notice, FTA is advising the public of final agency actions subject to Section 139(l) of Title 23, United States Code (U.S.C.). A claim seeking judicial review of FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before January 19, 2018.

FOR FURTHER INFORMATION CONTACT: Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353–2577 or Alan Tabachnick, Environmental Protection Specialist, Office of Environmental Programs, (202) 366–8541. FTA is located at 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency action by issuing a certain approval for the public transportation project listed below. The action on the project, as well as the laws under which such action was taken, is described in the documentation issued in connection with the project to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA administrative record for the project. Interested parties may contact either the project sponsor or the FTA Regional Office for more information. Contact information for FTA's Regional Offices may be found at *https://www.fta.dot.gov.*

This notice applies to all FTA decisions on the listed project as of the issuance date of this notice and all laws under which such action was taken, including, but not limited to, NEPA [42 U.S.C. 4321–4375], Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303], Section 106 of the National Historic Preservation Act [16 U.S.C. 470f], and the Clean Air Act [42 U.S.C. 7401–7671q]. This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The project and action that are the subject of this notice follows:

Project name and location: Portal Bridge Capacity Enhancement Project, Hudson County, New Jersey. *Project Sponsor:* New Jersey Transit Corporation. *Project description:* This project consists of the demolition of the 100-year old moveable swing-span two-track Portal Bridge between the Town of Kearny and the Town of Secaucus, and its replacement with two new bridges: a northern fixed two-track bridge and a southern fixed two-track bridge. The existing Portal Bridge experiences frequent mechanical and operational failures which pose reliability concerns, capacity constraints, operational inflexibility, and commuter delays along the Northeast Corridor. Additionally, the bridge's low vertical clearance conflicts with maritime uses. By replacing the movable two-track bridge with two fixed two-track bridges at higher elevations, this project will increase reliability and operational flexibility, eliminate capacity constraints, reduce commuter delays, and support additional maritime uses along the Northeast Corridor. In 2008, the Federal Railroad Administration (FRA) completed an Environmental Impact Statement (EIS) for this project; FTA was a cooperating agency. FRA subsequently issued a Record of Decision (ROD) and completed three re-evaluations in 2010, 2011, and 2016. FTA has reviewed the environmental record, and in accordance with 40 CFR 1506.3 and 23 U.S.C. 139, FTA is issuing a ROD which adopts FRA's EIS. *Final agency actions:* Section 4(f) determination (included in the EIS, dated December 23, 2008), an amendment to the Section 106 Memorandum of Agreement dated July 25, 2017 which adds FTA as a signatory, project-level air quality conformity, and a ROD dated July 25, 2017. *Supporting documentation:* EIS with ROD dated December 23, 2008, Re-evaluation dated May 2010; Re-evaluation dated January 2011; and Re-evaluation dated August 2016.

Lucy Garliauskas,

Associate Administrator Planning and Environment.

[FR Doc. 2017–17723 Filed 8–21–17; 8:45 am]

BILLING CODE 4910–57–P

UNITED STATES SENTENCING COMMISSION

Final Priorities for Amendment Cycle

AGENCY: United States Sentencing Commission.

ACTION: Notice of final priorities.

SUMMARY: In June 2017, the Commission published a notice of proposed policy priorities for the amendment cycle ending May 1, 2018. *See* 82 FR 28381 (June 21, 2017). After reviewing public comment received pursuant to the notice of proposed priorities, the Commission has identified its policy priorities for the upcoming amendment cycle and hereby gives notice of these policy priorities.

FOR FURTHER INFORMATION CONTACT: Christine Leonard, Director, Office of Legislative and Public Affairs, (202) 502–4500, *pubaffairs@ussc.gov.*

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and

policy statements for federal sentencing courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. 994(o) and submits guideline amendments to Congress not later than the first day of May each year pursuant to 28 U.S.C. 994(p).

As part of its statutory authority and responsibility to analyze sentencing issues, including operation of the federal sentencing guidelines, the Commission has identified its policy priorities for the amendment cycle ending May 1, 2018. Other factors, such as legislation requiring Commission action, may affect the Commission's ability to complete work on any or all identified priorities by May 1, 2018. Accordingly, the Commission may continue work on any or all identified priorities after that date or may decide not to pursue one or more identified priorities.

Pursuant to 28 U.S.C. 994(g), the Commission intends to consider the issue of reducing costs of incarceration and overcapacity of prisons, to the extent it is relevant to any identified priority.

The Commission has identified the following priorities:

(1) Continuation of its multiyear examination of the structure of the guidelines post-*Booker* and consideration of legislative recommendations or guideline amendments to simplify the guidelines, while promoting proportionality and reducing sentencing disparities, and to account appropriately for the defendant's role, culpability, and relevant conduct.

(2) Continuation of its multiyear study of offenses involving synthetic cathinones (such as methylone, MDPV, and mephedrone) and synthetic cannabinoids (such as JWH–018 and AM–2201), as well as tetrahydrocannabinol (THC), fentanyl, and fentanyl analogues, and consideration of appropriate guideline amendments, including simplifying the determination of the most closely related substance under Application Note 6 of the Commentary to § 2D1.1.

(3) Continuation of its work with Congress and others to implement the recommendations of the Commission's 2016 report to Congress, *Career Offender Sentencing Enhancements,* including its recommendations to revise the career offender directive at 28 U.S.C. 994(h) to focus on offenders who have committed at least one ''crime of violence'' and to adopt a uniform definition of ''crime of violence'' applicable to the guidelines and other recidivist statutory provisions.

(4) Continuation of its work with Congress and others to implement the recommendations of the Commission's 2011 report to Congress, *Mandatory Minimum Penalties in the Federal Criminal Justice System*—including its recommendations regarding the severity and scope of mandatory minimum penalties, consideration of expanding the ''safety valve'' at 18 U.S.C. 3553(f), and elimination of the mandatory ''stacking'' of penalties under 18 U.S.C. 924(c)—and preparation of a series of publications updating the data in the report.

(5) Continuation of its comprehensive, multiyear study of recidivism, including the circumstances that correlate with increased or reduced recidivism; consideration of developing recommendations to reduce incarceration costs and prison overcapacity, and to promote effective reentry programs; and consideration of appropriate guideline amendments, including revising Chapter Four and Chapter Five (A) to lower guideline ranges for ''first offenders'' and (B) to increase the availability of alternatives to incarceration for such offenders at the lower levels of the Sentencing Table.

(6) Implementation of the Bipartisan Budget Act of 2015, Public Law 114–74, and other legislation warranting Commission action.

(7) Continuation of its study of the May 2016 Report of the Commission's Tribal Issues Advisory Group and consideration of appropriate guideline amendments, including (A) revising how tribal court convictions are addressed in Chapter Four and (B) providing a definition of ''court protection order'' that would apply throughout the guidelines.

(8) Continuation of its examination of Chapter Four, Part A (Criminal History) and consideration of amendments to revise how the guidelines (A) treat convictions for offenses committed prior to age eighteen; (B) treat revocations under § 4A1.2(k) when the original sentence would not otherwise receive criminal history points because it is outside the time periods in § 4A1.2(d)(2) and (e); and (C) account in § 4A1.3 for instances in which the time actually served was substantially less than the length of the sentence imposed for a conviction counted in the criminal history score.

(9) Continuation of its study of alternatives to incarceration, preparation of a publication on the development of alternative-to-incarceration programs in federal district courts, and consideration of appropriate guideline amendments, including consolidating Zones B and C of the Sentencing Table in Chapter 5, Part A.

(10) Resolution of circuit conflicts as warranted, pursuant to the Commission's authority under 28 U.S.C. 991(b)(1)(B) and *Braxton* v. *United States,* 500 U.S. 344 (1991).

(11) Consideration of other miscellaneous guideline application issues, including whether a defendant's denial of relevant conduct should be considered in determining whether the defendant has accepted responsibility for purposes of § 3E1.1.

Authority: 28 U.S.C. 994(a), (o); USSC Rules of Practice and Procedure 5.2.

William H. Pryor, Jr.,

Acting Chair.

[FR Doc. 2017–17754 Filed 8–21–17; 8:45 am]

BILLING CODE 2210–40–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Homeless Veterans, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that a meeting of the Advisory Committee on Homeless Veterans will be held September 13–15, 2017. The meeting sessions will take place at the Harbor Homes, Inc. at 77 Northeastern Blvd., Nashua, NH 03062. Sessions are open to the public, except when the Committee is conducting tours of VA facilities, participating in off-site events, and participating in workgroup sessions. Tours of VA facilities are closed, to protect Veterans' privacy and personal information.

The purpose of the Committee is to provide the Secretary of Veterans Affairs with an on-going assessment of the effectiveness of the policies, organizational structures, and services of VA in assisting Veterans at-risk and experiencing homelessness. The Committee shall assemble and review information related to the needs of homeless Veterans and provide advice on the most appropriate means of providing assistance to that subset of the Veteran population. The Committee will make recommendations to the Secretary regarding such activities.

On Wednesday, September 13, the Committee will convene an open session at the Harbor Homes, Inc., 77 Northeastern Blvd., Nashua, NH 03062, from 8:00 a.m. to 12:00 p.m. The agenda will include briefings from officials at VA and other agencies regarding services for homeless Veterans. From

1:00 p.m. to 5:00 p.m., the Committee will convene closed sessions, as it tours a Grant and Per Diem project at the Harbor Care Health and Wellness Center, 45 High Street, Nashua, NH 03062. These sessions are closed in accordance with 5 U.S.C Sec. 552b(c)(6). Tours of VA facilities are closed, to protect Veterans' privacy and personal information.

The meeting sessions on Thursday, September 14 and Friday, September 15 are open to the public. On both days, the meeting will begin at 8:00 a.m. On September 14, the meeting will end at 5:00 p.m.; and on September 15, the meeting will adjourn at 12:00 p.m. The agenda include briefings from officials at VA and other agencies. The Committee will also receive a briefing on the annual report that was developed after the last meeting of the Advisory Committee on Homeless Veterans and will then discuss topics for its upcoming annual report and recommendations to the Secretary of Veterans Affairs.

No time will be allocated at this meeting for receiving oral presentations from the public. Interested parties should provide written comments on issues affecting homeless Veterans for review by the Committee to Mr. Anthony Love, Designated Federal Officer, VHA Homeless Programs Office (10NC1), Department of Veterans Affairs, 90 K. Street NE., Washington, DC, or via email at *Anthony.Love@va.gov.*

Members of the public who wish to attend should contact Charles Selby and/or Alexandra Logsdon of the Veterans Health Administration, Homeless Programs Office no later than August 30, 2017, at *Charles.Selby@va.gov* (202) 632–8593 or *Alexandra.Logsdon@va.gov* (202) 632–7146 to provide their name, professional affiliation, address, and phone number. There will also be a call-in number at 1–800–767–1750; Access Code: 53308#. Attendees who require reasonable accommodation should state so in their requests.

Date: August 17, 2017.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2017–17715 Filed 8–21–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0188]

Agency Information Collection Activity: Claim, Authorization & Invoice for Prosthetic Items & Services

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 23, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Brian McCarthy, Veterans Health Administration, Office of Regulatory and Administrative Affairs (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *Brian.McCarthy4@va.gov.* Please refer to ''OMB Control No. 2900–0188'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Brian McCarthy at (202) 461–6345.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: U.S.C. 3901–3904 and 1701(6).

Title: Claim, Authorization & Invoice for Prosthetic Items & Services.

OMB Control Number: 2900–0188.

Type of Review: Revision of a currently approved collection.

Abstract: The Department of Veterans Affairs (VA), through its Veterans Health Administration (VHA), administers medical services established by law. Title 38 U.S.C. Section 1701(6) includes prosthetic items within the scope of medical services. Title 38 U.S.C. Sections 3901, 3902, 3903, 3904, and 1162 authorize the Secretary to provide each person eligible for an automobile grant the adaptive equipment deemed necessary to insure that the person will be able to operate the automobile safely, in a manner consistent with the safety of others and to satisfy the applicable standards of licensure established by the state of residency.

Affected Public: Individuals and households.

Estimated Annual Burden:

10–0103—583 hours.
10–1394—1,000 hours.
10–2421—67 hours.
10–2520—47 hours.
10–2914—3,333 hours.
FL 10–90—708 hours.

Estimated Average Burden per Respondent:

10–0103—5 minutes.
10–1394—15 minutes.
10–2421—4 minutes.
10–2520—4 minutes.
10–2914—4 minutes.
FL 10–90—5 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents:

10–0103—7,000.
10–1394—4,000.
10–2421—1,000.
10–2520—700.
10–2914—50,000.
FL 10–90—8,500.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017–17691 Filed 8–21–17; 8:45 am]

BILLING CODE 8320–01–P

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H.R. 2210/P.L. 115–47

To designate the community living center of the Department of Veterans Affairs in Butler Township, Butler County, Pennsylvania, as the ''Sergeant Joseph George Kusick VA Community Living Center''. (Aug. 16, 2017; 131 Stat. 971)

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